THE , 23 , CX

CLERK'S English Tutoz.

Shewing the PRACTICE of the

Courts of King's Bench

Common Pleas,

As they are now fettled, pursuant to the feveral late Acts of Parliament, and the respective Rules of both the Courts made consonant thereto.

WITH

Great Variety of curious English PRECEDENTS of DECLARATIONS and PLEADINGS (never before Printed in any Language) drawn by the most Eminent Counsel of the present Age.

And done into English conformable to the Statute of 4 Geo. 2. c. 26. That all Proceedings in the Courts of Justice shall be in the English Language; together with such Writs, or Process, as well mesne as judicial, as are generally used in every Day's Practice.

o By an Attorney at Law.

In the SAVOY: Printed by E. and R. Nur, and R. Gosling, (Affigns of Edward Sayer, Esq.) for III. Meadoms at the Angel in Cornbil. M. DCC XXXIII.

UNI

C63le some alim Sewing the Pro Act a conjunction Courts of Aines Benet Rec. May 21, 1903. ones of oth the Courts made Cherolitical to the state of th on) ed en i and transition of the and Secure Pripre the any Language) design by the more littlement the mild of the melent dige. And the this are also endounable to the Scame of a contract of the section of the the Court of judges in the cold karas Lethon 16 Control Line and and an array of at tolugian med dakaba as on . How Fred Day's Breffe. me of the state of the TO COLOR STATE OF THE STATE OF

to the Glork, on Prince on from

for their objection that it exclusions are material

kallian, they are easely used

or inflationals therein I finds

PREFACE

merica in their Rooms wall

in Truth of the Port was some

READER.

A PREFACE, it seems, is what Custom Claims; and to Custom, if good, or necessary, we should be just; nor is it amiss, in the present Case, to give you some few Observations on the following Treatise, A 2 which

which is intended as Instructions to the Clerk, or Practicer, from the Mesne or first Process in the Law, to the Execution, or last Process therein. I shall first then observe, that as &c.'s are much like to be out of Fashion, they are rarely used in this Book, but what was intended after such &c.'s are inserted in their Room; and in Truth so fond was former Times of &cc.'s, that in some Places an &cc. was used where nothing was to follow, and of Consequence, nothing could be intended thereby, this &c. is likewise left out; as for Example, in the Writs after a Recital of the King's Title, &c. was used, but not knowing to what Purpose, I have chose to leave it out, as I likewise have after the End of the Hardes

the Declarations, where I look upon it as useless; but in the Beginning of the Declaration in the Court of King's Bench, after the Words, in the Custody of the Marshal, &c. instead of this &c. I have added what should follow, or was meant thereby; and in the Declarations in the Court of Common Pleas, where &cc.'s were more frequently used, they are herein left out, and supplied as afore-Said. In making the Defence, in the Plea, after quando, &c. which Littleton says is quando, ubi & quomodo Curia videbitur, I leave out the &c. and render those Words into English accordingly; as likewise in the Issue, and awarding of the Jury, where the &c.'s abounded, they are all left out, and the proper Reading inserted. The

Deck wations, where I look The Reader may be affured Care has been taken to make this Treatife as compleat and as meful as possible, and that the Precedents were never before Primed in any Language, but were drawn and used in Latin, and are now first rendered into English, as a long Vacation Exercise from my own Manuscript-Book of Precedents, and (save the Language) varying only in Names, Time or Place; and should the Phraseology be any wife distiked, let the more happy Genius change it as he pleases, not that I would encourage Changing (more especially) for the Jake of Changing; for furely when good Forms are fettled, it is the best and safest Way to keep to such Forms, for fear of Errors,

rors, whereby the Client may suffer; but whether these are such or not, is here freely submitted to the Publick.

You will find where other Writers, plodding on in the old Way, not considering any new Law, lead you into Er-rors, they are herein corrected; as for Instance, under the Head of Ejectment, where there is no Tenant in Possession, you are still told, you must seal a Lease of Ejectment; but here you will find the contrary, and are directed in the true Method of Proceeding in such Case, and so likewise under several other Heads; All that is defired is, that the Reader would (for his own sake) amend such Faults as may be found, and not be too severe

vi The PREFACE.

in his Carping, at least until he hath furnished the Publick with a better Performance of his own. Vale & fruere.

Burge three party and the

the state of the second second to the State of

arts a are a recorded in the space

Market Collection Collection

ed at loss of Lagues : A. W. clear re-

defined in that the Reader

tond (to his or a jake) in second fluid Familis is may be HAT dad not be too become Posture of their Defroding who

such similarina from 61

tived and obtain a Warrier to a

THE

CLERK's English TUTOR.

EFORE we begin to instruct The Interour young Clerk in the Practice of the Law, it may not be amiss to fet forth the Rudiments thereof, as it now stands; for that before the late Act of Parliament, which passed in the Twelfth Year of King George the First, Entitled, An Act to prevent Frivolous and Vexatious Arrests; the usual way was, upon all mesne Process against the Body (without any Acetiam, to fet forth the Cause of Action) to apply to the Under-Sheriff of the County, where a Defendant lived,

lived, and obtain a Warrant to arrest

the Person of such Defendant, who then only backed or endorfed the Warrant (or fometimes gave his Authority

Common Bail.

on another Paper) directing some Attorney of the Court to affile Common The Nature of Bail, or appear for him (which Common Bail are fictitious Persons or Names (to wit) John Doe and Richard Roe, and is only done that the Defendant may be in Court ready to answer what the Plaintiff may lay to his Charge, by his Declaration against him;) and he was then discharged from the Officer: But where the Cause of Action was set forth by an Acetiam in the Writ, as it might have been (before that Act) without any Affidavit of the Cause of Action, the Defendant was obliged to give a Bail-Bond, that is, himself and two Sureties with him, were bound to the High Sheriff of the County, in double the Sum of Money mentioned in the Writ, for the Defendant's Appearance at the Return of fuch Writ, that is, to put in Special Bail, to wit, Two fubstantial House-keepers (with or without the Defendant) are to enter into a Recognizance before one of the Judges of the Court out of which fuch Writ was issued, that if the Defendant should be condemned in the Action, and

Of Special

and does not pay the Condemnation Money, they, his Bail, will do it for him, or render his, the Defendant's

Body, to Prison.

e

t

t

ef

o

0

n

9-

t,

t,

th

er

ch

nt

n,

And it was too common amongst the vexatious Sort of People (when little or perhaps nothing was really due) to order large Sums of Money to be inferted in the Writs (it being as aforefaid without an Affidavit) and thereby as it were, taking a poor Defendant in Execution on a mesne Process; for many such were not able to find Bail for fuch large Sums, as fuch fort of People would cause to be inferted; nor was there any Relief, but by a Judge's Summons for the Plaintiff or his Attorney to attend to shew the Cause of Action, and why Common Bail should not be accepted; which would fome Times take up five or fix Days, or longer; and the Defendant was oblig'd to remain in Custody all that Time; and this amongst divers other Reasons prevailed with the Legillature to pass the aforesaid Act----But by this new Law, although the Plaintiff is obliged (as he ought to be) to fue out the usual Process, yet if the Debt be under Ten Pounds; or the Writ be fued out without an Affidavit, or the Sum of Money Iworn due ilainen stoore To Bra.

The Clerk's

is not endorsed on the Back of the Writ, it is not to be carried to the Sheriff (or other Officer) to whom it is directed; nor is the returning Officer to have any thing to do therewith; but a true Copy must be made of such Process, and the Defendant Personally served with such Copy, in the County where such Process shall be issued; all which will hereafter be further observed, and more particularly by the Abstract of the said Act it self, which take as followeth.

An Abstract of the Act to prevent Frivolous and Vexatious Arrests, so far as relates to Arrests.

Stat. 12 Geo.
1. abstracted
so far as relates to Arrests.

Stat. 12 Geo. 1. c. 29. Enacts, That after the 24th of June 1726, no Perfon shall be held to Special Bail, upon any Process issuing out of any superior Court, where the Cause of Action shall not amount to Ten Pounds or upwards; nor out of any Inferior Court, where the Caufe of Action shall not amount unto Forty Shillings or upwards. And in all Cases where the Cause of Action shall not amount to Ten Pounds or upwards in a Superior Court, or to Forty Shillings or upwards in any Inferior Court, (and the Plaintiff shall proceed by way of Process against the

of the Defendant, but shall serve him Personally, within the Jurisdiction of the Court, with a Copy of the Process; and if such Defendant shall not appear at the Return of the Process, or within Four Days after, it shall be lawful for the Plaintiss, upon Assidavit being made and siled in the proper Court, of the Personal Service of such Process, (which Assidavit shall be filed gratis) to enter a Common Appearance, or sile Common Bail for the Defendant, and to proceed thereon, as if such Defendant had entered his Appearance, or siled Common Bail.

After the faid 24th of June, 1726, in all Cases where the Plaintiff's Cause of Action shall amount to Ten Pounds, or Forty Shillings, or upwards, as aforefaid, Affidavit shall be made and filed of the Cause of Action, (which Affidavit may be made before any Judge or Commissioner of the Court, out of which fuch Process shall issue, authorized to take Affidavits in fuch Cases, or else before the Officer who shall issue such Process, or his Deputy) which Oath fuch Officer or his Deputy are hereby impowered to administer, and for such Affidavit One Shilling, over and above the Stamp-Duties, shall be paid, and no more; and the fum speci-B 3 fied

fied in fuch Affidavit, shall be endorsed on the Back of fuch Writ or Process: for which Sum fo endorfed, the Sheriff or other Officer, to whom such Writ or Process shall be directed, shall take Bail, and for no more. But if after the said 24th of June 1726, any Writ or Process shall issue for the Sum of Ten Pounds or upwards, and no Affidavit or Endorsement shall be made as aforesaid, the Plaintiff shall not proceed to arrest the Body of the Defendant, but shall proceed in like Manner, as is by this Act directed, in Cafes where the Cause of Action does not amount to Ten Pounds, or Forty Shillings or upwards, as aforefaid.

The Passing of this Act of Parliament, which was made temporary, being to continue for the Term of Five Years, and from thence to the End of the then next Seffion of Parliament, caufed feveral Orders and Rules to be made by the respective Courts of Westminster-Hall, the better to regulate and establish the Practice of those Courts upon the Foundation thereof; some of these Rules were made in Latin; but the Law being to be wrote and practifed in the English Tongue, after Lady-day, in the Year of our Lord 1733, pursuant to another Act of Parliament, passed in the

the Fourth Year of our present Sovereign King George the Second, herein after particularly mentioned, they are here rendered into that Language, and are as follows.

In Trinity-Term 1727, the Judges of the Court of King's Bench, made the following Rule.

1. To establish the Practice of this Rule is the Court upon the late Act of Parliament Bench. for preventing Frivolous and Vexatious Arrests, It is Dedered, That from and after the last Day of this prefent Term, in all Causes where a Copy of the Process of this Court is served upon any Defendant or Defendants, and an Appearance is entered, or Common Bail filed for fuch Defendant or Defendants, by the Plaintiff's Attorney, purfuant to the faid Act; the Plaintiff's Attorney in fuch Cafe shall leave a Copy of the Declaration in the Office, with the proper Officer appointed for that Purpose; and likewise give Notice thereof to the Defendant or Defendants, by delivering an English Notice written in Secretary Hand, to fuch Defendant or Defendants, or by leaving the same at the last or most usual Place of Abode of fuch Defendant or

B 4

Defendants; in which Notice shall be likewise expressed the Nature of the Action, and at whose Suit prosecuted, and the Time limited by the Rules of this Court for such Detendant or Defendants to plead to such Action; and that in Case such Defendant or Defendants do not plead to such Declaration by such limited Time, so to be expressed in such Notice, Judgment will be entered against such Defendant or Defendants by Default: And from the Time of giving such Notice as aforesaid, such Declaration shall be deemed well delivered to such Defendant or Defendants, and not otherwise.

And in case such Defendant or Defendants (after fuch Notice given) do not plead by the Time the Rules for pleading are out, the Plaintiff in fuch Case may sign his Judgment without any other or further calling for a Plea, and thereupon give Notice of executing his Writ of Inquiry, either by delivering a Notice in Writing to fuch Defendant or Defendants, or by leaving the same at the last or most usual Place of Abode of fuch Defendant or Defendants; which shall be a sufficient Notice to fuch Defendant or Defendants of the Time of executing fuch Writ of Enquiry.

And

And whereas by the Rules of this Court, Defendants have usually been allowed Eight Days Time to plead, It is further Ordered, That from, and after the first Day of next Hillary Term, Four Days only shall be allowed such Defendants from the Time of giving any Rules to plead.

t

t

e

0.

r

h

t

-

1

-

1

r

t

d

R. Raymond, Ja. Reynolds, E. Probyn.

Subsequent whereto, the better to prevent Dilatoriness in the Proceedings, the following Rule (Number 2.) was made by the faid Court of King's Bench; but you are to observe when you so expresly set forth the Cause of Action specially in the Writ, as in that Rule is mentioned, you must not vary from it in your Declaration, nor can you lay the Venue in any other County. (Middlesex excepted) than that where your Latitat was fued out; for if you should, you lose the Benefit of the Speciality of the Writ, and the Defendant will be entitled to an Imparlance, which he may obtain by a Summons from one of the Judges of the Court; notwithstanding the Rule is, that the Defendant shall not have Liberty of Imparling, without Leave of the Court. A Rule

A Rule in the King's Bench, to prevent Delays in Law-Suits, made in Hillary Term, in the Second Year of King George the Second.

2. It is Didered, That, where any Defendant shall be arrested, by Vertue of any Process issuing out of this Court, in which the Cause of Action shall be specially specified and expreffed; or a Copy of fuch Process shall be delivered to any Defendant, according to the Form of the Statute in that Cafe lately made and provided; and the Plaintiff thereupon shall declare: The Defendant in fuch Cafe shall not have Liberty of Imparling, without Leave of the Court, in that Part, first to be granted, but shall plead thereto within the Time, by the Course of the Court allowed a Defendant profecuted by original Writ; and in Default thereof, Judgment may be entered against such Defendant by Default.

- regin I as or heldida By the Court.

And Notice was fixed up in the King's Bench Office, on the 25th Day of February 1728, as follows (to wit.)

3. 102acs

t

jı

that for the future no Distinction as to the Time of signing Judgments will be had betwixt Town and Country Causes: But in all Cases the Plaintist is at Liberty to sign his Judgment the Day after the Rules for Pleading are out, the Declaration having been regularly delivered and siled, and the Defendant, or his Agent, being called upon for a Plea, according to the Rules and Course of the Court.

The Two following Rules in the Court of King's Bench (Numbers 4 and 5) tho not particularly confined or grounded on the late Act of Parliament, are nevertheless necessary to be known to all Practisers, and are therefore here inserted.

Easter Term, the Fifth of King George the Second.

4. It is Divered, That in every Action in this Court, where Special Bail is put in, and an Exception entered against the said Bail, and Notice of such Exception is given in Writing to the Defendant's Attorney, the Defendant shall procure his said Bail to justify (if the said Notice be given in Term-

Term-time) within Four Days after fuch Notice, or shall add other Bail, who shall justify within the same Four Days; but if such Exception be entered in Vacation Time, and Notice be given thereof in like Manner, the Bail put in, or other additional Bail shall justify upon the First Day of the sub-sequent Term.

By the Court.

The same Term. 100 of 10

Plaintiff declares for, or recovers a greater Sum than is express'd in the Process, on which he declares, the Bail shall not be discharged, but be liable for so much as is sworn to, and indorsed on the said Process, or for any lesser Sum which the Plaintiff in such Action shall recover, any Rule of this Court to the contrary notwithstanding.

By the Court.

Trinity Term, Fifth and Sixth of King George the Second.

General Rule.
To prevent
Imparlances.

6. It is Dedered, That upon all Process to be sued out of this Court, returnable the First or Second Return of any Term, if the Plaintiff declares

in London or Middlesex, and the Defendant lives within Twenty Miles of London, the Declaration shall be delivered with Notice to plead within Four Days after the Delivery thereof, and the Defendant shall plead within the same Four Days without any Imparlance: And in Case the Plaintiff declares in any other County, or the Defendant lives above Twenty Miles from London, the Declaration shall be delivered with Notice, to plead within Eight Days after the Delivery thereof, and the Defendant shall plead within the faid Eight Days without any Imparlance; and in Default of pleading as aforefaid, the Plaintiff may fign his Judgment, any Rule of this Court to the contrary notwithstanding.

e

1

e

a

e

1

e

y

By the Court.

I shall in the next Place give you the Rules that were made by the Judges and Court of Common Pleas, to establish the Practice of that Court, upon or consonant to the aforesaid Act of Parliament, which are as follows.

returnable, de herein all e monnon d

Common

Common Pleas.

Trinity Term, in the 13th Year of King George the First.

Rule in the Common Pleas. 1. To establish the Practice of this Court, upon the late Act of Parliament for preventing frivolous and vexations Arrests, in delivering Declarations, and giving Notice of executing Writs of Inquiry, in Cases where any Defendant or Defendants are served with a Copy of the Process.

It is Debered, That from and after the last Day of this present Term, in all Cases where a Copy of the Process is ferved upon any Defendant or Defendants, and an Appearance entered by the Plaintiff for the Defendant or Defendants, pursuant to the said Act; a Copy of the Declaration in fuch Cafe shall be delivered to such Defendant or Defendants, or left at the last or ufual Place of Abode of fuch Defendant or Defendants, with a Subscription there underwritten in English, in Secretary Hand, fignifying the Nature of the Action, and at whose Suit it is profecuted; and that in Case of a common Capias, or any Special Writ not returnable, as herein after mentioned, fuch

fuch Defendant or Defendants should take Notice, that unless such Defendant or Defendants appear, or cause an Attorney to appear and plead to such Action within the sirst Four Days of the next Term; and upon Special Writs within Four Days after the Appearance-Day of the Return of the Writ, such Writ being made returnable the sirst Return in Trinity and Hillary Terms, and the sirst or second Return in Easter and Michaelmas Terms, Judgment will be entered against such Defendant or Defendants, by Default.

And it is further Dedered, That fuch Declaration shall be first entered in the proper Office; and that the Judgment may be signed after such Notice, without any other or further calling for a Plea (a Rule to plead being first given.)

And it is further Dedered, That where an Appearance shall be entered by the Plaintiff for the Defendant or Defendants, pursuant to the said Act: Notice in Writing of executing the Writ of Inquiry, left at the last or usual Place of Abode of such Defendant or Defendants shall be sufficient.

R. Eyre,
Rob. Price,
F. Page,
Alex. Denton.

But the above Rule (N°. 1.) was but of short Duration, for the Delivery of the Declaration to the Defendant was never intended by the Act, and indeed was prejudicial to the Officers of the Court, and was therefore discharged, and succeeded by the following Rule (N°. 2.) made in the first Year of King George the Second.

2. To establish the Practice of this Court, upon the late Act of Parliament for preventing Frivolous and Vexatious

Arrests.

It is Dedered, That from and after the last Day of this present Term, in all Causes where a Copy of the Process of this Court is served upon any Defendant or Defendants, and an Appearance is entered for fuch Defendant or Defendants, by the Plaintiff's Attorney, pursuant to the said Act, the Plaintiff's Attorney in fuch Case, shall leave a Copy of the Declaration in the Office. and likewise give Notice thereof to the Defendant or Defendants, by delivering an English Notice, written in Secretary Hand, to fuch Defendant or Defendants, or by leaving the same at the last or most usual Place of Abode of such Defendant or Defendants, fignifying the Nature of the Action, at whose Suit it

is profecuted, and in whose Office fuch Declaration is left: And that, in case of Special Writs, returnable the first Returns of Hillary and Trinity Terms, and the first or second Returns in Easter and Michaelmas Terms, fuch Defendant or Defendants should take Notice, that unless such Defendant or Defendants plead to fuch Action, within four Days after the Appearance-Day of the Return of such Writ: And in case of a common Capias, or any other Special Writ, within the first four Days of the next Term, Judgment will be entred against such Defendant or Defendants by Default.

And from the Time of giving such Notice as aforesaid, such Declaration shall be deemed well delivered to such Desendant or Desendants, and not

otherwise.

5

r

1

t

à

e

r

e

t

And in Case such Defendant or Deendants, after such Notice given, do not plead by the Time the Rules for Pleadings are out, the Plaintiff, in such Case may sign his Judgment (a Rule to plead being sirst given) without any other or further calling for a Plea, and thereon give Notice of executing his Writ of *Inquiry*, either by delivering Notice in Writing to such Defendant or Defendants, or by leaving the same

at

at the last or most usual Place of Albode of such Defendant or Defendants, which will be a sufficient Notice to such Defendant or Defendants of the Time of executing such Writ of Inquiry.

And it is further Debered, That from and after the last Day of this present Term, the Rule made the last Trinity Term, to establish the Practice of this Court upon the said late Act of Parliament, shall be discharged.

R. Eyre,
Rob. Price,
Alex. Denton,
S. Cowper.

Tis faid that the Court of King's Bench, making the Rule (N° 2. in that Court) occasioned the Court of Common Pleas to make the two following Rules, (N° 3. and 4.), and those Rules gave Birth to the Rule in the King's Bench (N° 6.) which puts both Courts, as to their Time in proceeding, upon an equal Foot.

Writed laguage either by delivering

Notice in Writing to facin Defendance slippedendants, sor by leaving the fame?

Rule in the Common Pleas to prevent Imparlances.

Michaelmas Term, in the Third Year of King George the Second.

è

n

of

1-

ė

e

le

3. It is Didered, That upon all Process sued out of this Court, returnable the first or second Return of any Term, if the Plaintiff declares in London or Middlesex, and the Defendant lives within Twenty Miles of London, the Defendant shall plead within Four Days after fuch Declaration delivered, without any. Imparlance; and fuch Declaration may be delivered de bene esse. And in case the Plaintiff declares in any other County, or the Defendant lives above Twenty Miles from London, the Defendant shall plead within Eight Days after the Declaration delivered, without any Imparlance; and in Default of Pleading as aforefaid, the Plaintiff may fign his Judgment.

Easter Term, in the said Year the Rule amended.

4. It is Didered, That all Declarations in London or Middlefex, delivered pursuant to the Rule of this C 2 Court,

Court, made the last Michaelmas Term, on Process, returnable the first or second Returns of any Term, where the Defendant lives within Twenty Miles of London, shall be delivered with Notice, that the Defendant or Defendants plead to fuch Action, within Four Days after fuch Declaration delivered; and that all Declarations where the Plaintiff declares in any other County, or the Defendant lives above Twenty Miles from London, shall be delivered with Notice, to plead within Eight Days after fuch Declaration delivered; the Rule made in Michaelmas Term. in the First Year of his present Majesty's Reign, to establish the Practice of this Court, upon the late Act of Parliament for preventing Frivolous and Vexatious Arrests, to the contrary thereof in any wife notwithstanding.

Having set forth, by way of Abstract, the Act of Parliament which causes such material Difference in the modern Practice, opposed to the antient Practice of the Law, so far as relates to Arrest, and the several Rules made for establishing the Practice thereon, we must lead our young Clerk back to the same Statute; but first premise, that a Statute was made in the Twenty-first Year

Year of King James the First, to pre- Stat. 1 Jac ti vent, where it did not appear that the Debt, Damages or Things demanded, did, or should not amount to the Sum of Five Pounds, any Stay, or Removal of any Action, Bill, Plaint, Suit or Cause (not concerning Freehold) out of any Court of Record, or any City, Liberty, Town Corporate, or elfewhere.

But this Act, by long Usage, or ra-ther Disusage, having been evaded by Evaded. the Contrivance of vexatious Defendants (for fuch there always was, and will be, as well as vexatious Plaintiffs) who by fetting up fictitious Actions against themselves, for above the Sum of Five Pounds, have thereby procured the smallest Actions, together with such fictitious Action, to be removed by Writ of Habeas Corpus cum causa, into one of the Superior Courts; whereby the Plaintiffs, if they purfued their Action, were put to greater Expence than fuch trifling Debts would admit of; and if they did not proceed, were necessitated to lose their just Demands.

To remedy this Evil, there is a The Abstract Clause in the aforesaid Statute to pre- of the Stat. vent Frivolous and Vexatious Arrests; continued. which Enacts, That the Judges of such Inferior Courts, (as are described in the

Statute

Statute of 21 James I. cap. 23.) shall proceed in such Actions, Bills, Plaints, Suits or Causes, as are therein specified, which appear, or are laid not to exceed the Sum of Five Pounds, the there may be other Actions against such Defendants, wherein the Plaintist's Demands may exceed the said Sum of Five Pounds.

A Digreffion.

Nor can I leave this Statute without fetting forth the remaining Clause, which I take to be of very great Confequence, and will I hope keep our young Clerk (with his own natural Genius) early in the Practice of Morality and Honesty, for I would have him learn Honesty with his Law: Among the Trading Part of the World, Plain Dealing is accounted a Jewel, but where to find this Jewel may remain a Question; and yet doubtless in this great Metropolis, as well as in other Parts, there are a great many Good, Fair and Honest Dealers: Nor would I have my young Clerk come short of the fairest of them, in his Fair and Honest Way of Practice; so shall he himfelf become a Jewel even to himfelf; for there will not be wanting some (peradventure not a few) who either by way of Banter, or who are weak enough of themselves, to think in Reality

Reality a Lawyer cannot (or should not) be Honest; like as they do by a Church-warden, tho never fo Fair, fo Just, and so Honest a Man; yet Fools will not stick out to say he Eats and Drinks, or otherwise profusely spends the Monies of the Poor, or the Parish. It must be confest Human Nature is frail, and where there is fo large a Body of Men, there will be fome (necessitated) Men amongst them, yet 'tis by no Mean's equitable to accuse the Innocent with the Guilty; and where shall we turn our felves to look at any particular Body of Men, and find them all perfect; if you look among Directors and Governors of Corporations and Companies, they will be found to be but Men; nay, should you go to the Honourable House it self, they will not be found to be all Angels; for if fo, what Occasion for so many Expulsions, Reprimands, and What not's as have been divulged in the World of late Years? But let the Scoffers scoff on, and let our young Clerk keep his Integrity, and pardoning this Digression, let us proceed the Clause above promifed, in the Words of the Statute at length, whereby it is Enacted (tho' not said (as usual) by what Authority, C 4

yet doubtless by the same, and as much in Force as any other Part of the A&.)

Stat. 12 G. 1. concluded.

That if any Person, who hath been, or who shall be convicted of Forgery, or of wilful and corrupt Perjury, or Subornation of Perjury, or common Barretry, shall, after the faid Four and twentieth Day of June, act or practice as Attorney, or Solicitor, or Agent, in any Suit or Action, brought or to be brought in any Court of Law or Equity, within that Part of Great Britain call'd England, the Judge or Judges of the Court where fuch Suit or Action is or shall be brought, shall, upon Complaint or Information thereof. examine the Matter in a fummary Way in open Court; and if it shall appear to the Satisfaction of such Judge or Judges, that the Person complain'd of, or against whom such Information shall be given, hath offended contrary to this Act, fuch Judge or Judges shall cause fuch Offender to be transported for Seven Years, to some or one of his Majesty's Colonies or Plantations in America, by fuch Wan, Means, and Methods, and in fuch Manner, and under fuch Pains and Penalties, as Felons in other Cases are by Law to be transported. And

And in Truth wilful Perjury, and The Infamy of Subornation of Perjury (in what Per-Perjury. fon or Persons soever) are of so base and so infamous a Nature, that no Punishment is scarce bad enough for fuch foul and fuch monstrous Crimes; and therefore our Legislature (to set all Mankind on a Level in that Respect) in the second Year of our prefent Sovereign King George the Second, passed another Act,

The more effectually to deter Per- An Abstract of fons from committing wilful and cor- Stat. 2 G. 2. rupt Perjury, or Subornation of Perjury, Perjury. whereby it is Enacted, That, besides the Punishment already to be inflicted by Law for so great Crimes, it shall be lawful for the Court, or Judge, before whom any Person shall be convicted of wilful and corrupt Perjury, or Subornation of Perjury, to order fuch Person to be fent to some House of Correction within the same County, for a Term not exceeding Seven Years, there to be kept to Hard Labour during all that Time; or otherwise to be transported to some of his Majesty's Plantations beyond the Seas, for a Term not exceeding Seven Years, as the Court shall think most proper; and thereupon Judgment shall be given, that the Person

convicted, shall be committed or transported accordingly, over and above fuch Punishment as shall be adjudged to be inflicted on fuch Person, agreeable to the Laws now in Being. And if Transportation be directed, the same shall be executed in fuch Manner, as is or shall be provided by Law for the Transportation of Felons. And if any Person so committed or transported, shall voluntarily escape or break Prison, or return from Transportation, before the Expiration of the Term for which he shall be ordered to be transported, such Person being thereof lawfully convicted, shall fuffer Death as a Felon, without Benefit of Clergy; and shall be tried for fuch Felony in the County where he escaped, or where he shall be apprehended.

Not to extend to Scotland, nor work Corruption of Blood, and to continue five Years.

And that our young Clerk may the better know himself, and the Qualifications requisite to make an Attorney, I shall here give him an Abstract of the Act for the better Regulation of Attornies and Solicitors, which passed in the Second Year of his present Majesty King George the Second.

Enacted,

h

e

1-

64

e

n

1-

y

m

n

r-

חכ

e-

or

ne

e-

rk

16

ne

6-

y,

of

of

ed

D,

Enaited, That no Person shall be Stat. 2 G. 2. permitted to act as an Attorney, or to fue out a Writ or Process, or to carry on any Action or Proceedings, either before or after Judgment obtained, in the Name of any other Perfon, in the Courts of Westminster, or Dutchy of Lancafter, or in the Courts of great Sessions in Wales, or in the Counties Palatine of Chefter, Lancafter, and Durham, or in any other Court of Record, wherein Attornies have been accustomably admitted, unless he shall take the Oath herein directed, and be admitted and inrolled before Decemb. 1, 1730.

The Judges of the said Courts, before they admit them to take the Oath, are to examine touching their Fitness and Capacity; and if such Judge shall be thereby satisfied, he shall administer to them the Attornies Oath, and cause them to be admitted Attornies in such Court, and their Names to be involved without any Fee, other than One Shilling; which Admission shall be written on Parchment in English, and in a common legible Hand, and signed by such Judge, whereon the lawful Stamp

unia Win for the Mind of the good

shall be first impressed.

No Person shall be permitted to act as a Solicitor in the Name of any other Person, in any Court of Equity, unless he shall take the Oath herein directed, and be admitted and inrolled before

December 1, 1730.

The Master of the Rolls, Two of the Masters in Chancery, the Barons of the Court of Exchequer, the Chancellor of the Dutchy of Lancaster, and the Judges of the other Courts of Equity, or one of them, before they admit them to take the Oath, are to examine them touching their Fitness and Capacity: And if they shall be thereby satisfied, they shall administer to them the Solicitor's Oath, and cause them to be admitted as Solicitors in fuch Court, and their Names to be inrolled without any Fee, other than One Shilling; which Admission shall be written on Parchment in English, and in a common legible Hand, and figned by him who shall admit them Solicitors; whereon a treble Forty Shillings Stamp shall be first impressed.

After December 1, 1730, No Person who shall not have been sworn and admitted, shall be permitted to act as an Attorney, unless he shall have been bound by Contract in Writing, to serve as a Clerk for the Space of Five Years,

to an Attorney duly sworn, and during that Term shall have continued in such Service; and also be examined, sworn, admitted, and inrolled.

s

ı,

e

f

f

1-

r,

of

y

0

S

e

r

e

in

1-

n

e

d

d

S

d

n

And the Judges of the said Courts before they admit them to take the Oath,
shall examine them; and if they be
duly qualified, shall administer in open
Court the Oath, and admit them, and
cause their Names to be inrolled without any Fee, other than One Shilling;
which Admission shall be written on
Parchment, in English, in a common
legible Hand, and signed by the Judge,
whereon the lawful Stamp shall be first
impressed.

No Person, who shall not, before the said is of December, be sworn and admitted, shall be permitted to act as a Solicitor, unless he shall have been bound by Contract in Writing, to serve as a Clerk for the Space of Five Years, to a Solicitor duly sworn, and during that Term shall have continued in that Service; and also to be examined, sworn,

admitted, and inrolled.

The Master of the Rolls, and other Judges in the Courts of Equity, are to examine them before they admit them to be sworn, and their Names to be inrolled; and the Admission shall be written on Parchment, in English, and

m

in a common legible Hand, and figned by them who shall admit them to be Solicitors: whereon a treble Forty Shilling Stamp shall be first impressed.

But not to exclude any Person from being fworn to be an Attorney, or Solicitor, who hath before the 25th of March 1729, been bound by Contract in Writing, to serve as a Clerk for any Term not less than four Years, so as the Writing, in case any Sum of Money hath been paid for fuch Clerkship, hath the legal Stamp thereon impressed, and be registred in the Stamp-Office on the 25th of March 1730 for the same Fee, and in the same Manner, as the Perfons who shall be admitted Attornies or Solicitors, are herein before required to be examined, fwom, admitted and inrolled.

Any Person admitted an Attorney or Solicitor, in any of the faid Courts, with the Permission of any Attorney in any of the other Courts, fuch Confent being in Writing, and in the Name of fuch Attorney, may commence or defend any Action in fuch Courts, notwithstanding he is not fworn to be an Attorney of fuch Court.

The Judges of any Court of Record may not admit any greater Number of notaken on the confidence, in English, and

d

l-

m

oof

a

ıy

as ey

th

nd ne

e,

es

ed

nd

or ts,

in nt

of le-

t-

an

of of

or-

Attornies than by the antient Usage of fuch Court hath been accustomed.

If any Attorney or Solicitor, with whom any Person shall be bound, shall happen to die, or if such Contract shall by mutual Consent be vacated, or the Clerk be legally discharged by any Rule of Court, before the Expiration of the said Five Years, or Four Years, then if such Clerk shall by Contract be obliged to serve, and shall accordingly serve as a Clerk to any other Attorney or Solicitor, during the Residue of the said Term, such Service shall be deemed good and effectual.

Attornies, before they are admitted and inrolled, shall take and subscribe the Oath following, instead of the Oath

heretofore taken by Attornies.

I A. B. do swear, that I will truly and honestly demean my self in the Practice of an Attorney, according to the best of my Knowledge and Ability.

So help me God.

Solicitors are to take the Oath following, viz.

IA.B. do swedr, that I will truly and honestly demean my self in the Practice

Practice of a Solicitor, according to the best of my Knowledge and Ability. So help me God.

After 1 July 1729, No Attorney or Solicitor shall have more than two Clerks at the same Time, who shall become bound by Contract to serve him as Clerks after the said rst of July.

The Prothonotaries of Common Pleas, and the Secondary of the King's Bench, and the Prothonotaries of the Counties Palatine, and Great Sessions in Wales, may have three Clerks at the same Time; and such Clerks having served a Clerkship for Five Years, may be examined, admitted and inrolled to be Attornies in any of the Courts of Law, and for the same Fee as other Clerks.

After the 1st of December 1730, if a sworn Attorney shall knowingly and willingly permit any Person to sue out any Writ or Process, or to commence any Actions in his Name, not being a sworn Attorney or sworn Solicitor, and thereof convicted, he shall be disabled, and made incapable to act as an Attorney.

After the 1st of June 1729, the Chief Clerk of the Court of King's Bench, the Clerk of the Warrants in the Common Pleas, the Prothonotaries

(

7

(

b

1

0

۲

e

S

r,

1,

ſ,

d

e

7,

if

d

ıt

e

C

le

n

es

of the Counties Palatine, and of the Great Sessions in Wales, or their Deputies, and fuch Officers of the Inferior Courts, as the Judges of those Courts shall appoint, shall without Fee inrol the Name of those who shall be admitted Attornies, in those Courts, pursuant to this Act, and the Time when admitted, in an Alphabetical Order, vin Rolls or Books to be provided for that Purpole. And also the senior Clerk of the Petty-Bag Office, the King's Remembrancer, the Chief Clerk of the Dutchy Chamber of Lancaster, the Registers of the Courts of Equity in the Counties Palatine, and of the Great Sessions of Wales, or their respective. Deputies; and fuch Officers of the Inferior Courts of Equity, as the Judges of those Courts shall appoint, shall also register in Rolls or Books in an Alphabetical Order, the Names of Solicitors in those Courts, and the Time of Admission, to which Rolls all Persons may have free Accels without Fee. der ylotails muni

The Admission of an Attorney may be written on Parchment without any Stamp, in Case he hath been sworn and admitted of any of the Courts before 1 June 1729.

After i December 1730, any Person sworn, admitted and inrolled an Attor-

D ney,

ney may be fworn to be a Solicitor in the Courts of Equity, without any Fee for the Oath or Stamp to be impressed on the Parchment whereon the Admission shall be written, if the Master of the Rolls, &c. shall upon Examination be satisfied that such Attorney is duly qualified.

And a fworn Solicitor in any of the Courts of Equity may be fworn and admitted in all or any of the other Courts without Fee or Stamp, if the Master of the Rolls, &c. is satisfied that

he is duly qualified.

After 1 July 1729, every Writ and Process for arresting, and every Writ of Execution, or fome Label annexed thereto; and every Warrant made out on any fuch Writ, shall before the Service thereof be fubscribed or indorfed with the Name of the Attorney, Clerk in Court, or Solicitor, in a common legible Hand. And where such Attorney, &c. fhall not be the Perfon immediately retained in the Action, then also with the Name of the Attorney or Solicitor immediately retained, to be written in like Manner; and every Copy of a Writ served on a Defendant shall be so indorsed by the Person immediately retained.

ARIABI

ŀ

X B V

o tl

d

b

A

a

n fi

P

S

-golden no bolion i

· Ville

in

iny

mthe

Ta-

xaiey

the

ner

the

at

nd

of

ed

ut

hc

or-

ey,

m-

ch

on

en

or be

ry

nt

n-

er

After the faid 1st of July, no Attorrey or Solicitor shall maintain any Acion for Recovery of Fees at Law or n Equity, till one Month or more afer he shall have delivered to the Party charged therewith, or left for him at his dwelling House or last Place of Abode, a Bill of fuch Fees in a common legible Hand, and in the English Tongue (except Law Terms, Names of Writs) and in Words at length (except Times and Sums) to be subscribed with the proper Hand of such Attorney or Solicitor; and on Application of the Party chargeable by fuch Bill to the Lord Chancellor, to a Judge of any of the Courts in which the Business contained in the Bill, or the greatest Part in Amount or Value, shall have been transacted; and on Submission to pay the whole Sum that on Taxation shall appear to be due, the Judges are to refer the Bill to be taxed without any Money being brought into Court for that Purpose: And if the Attorney or Party chargeable by fuch Bill, having due Notice, shall not attend the Taxation, the Officer may proceed to tax the Bill ex parte (pending which Reference no Action shall be commenced). And on the Settlement of the Bill, the Party shall forthforthwith pay the whole Sum found thereon, which shall be a full Discharge; and in Default the Party shall be liable to an Attachment or Process of Contempt: And if it shall be found that the Attorney hath been overpaid, he shall forthwith refund, and in Default be likewise liable to an Attachment. And the respective Courts are to award the Costs of Taxation, to be paid according to the Event of the Taxation, viz. If the Bill taxed be les by a fixth Part than the Bill delivered, the Attorney is to pay the Costs; but if it shall not be less, the Court shall charge the Attorney or Client in regard to the Reasonableness or Unreafonableness of fuch Bills.

After the 1st of December 1730, If any Person shall sue out any Writ, or defend an Action in any Courts of Law or Equity, as an Attorney or Solicitor, for any Gain or Fee, without being admitted and inrolled, he shall forfeit Fifty Pounds, and be incapable to maintain an Action or Suit for Fee

or Reward.

The Penalties and Forfeitures incurred on this Act, may be recovered by Action of Debt in any of the Courts of Record at Westminster, or of the Counties Palatine, or Great Sessions of

Wales.

D

CCt

P

ar th

OE

of

in

be

ſp

m

0

fu

of

W

C

in

C

d

ſ.

11

fs

id

d,

e-

h-

re

be

he

es

d,

ut

all

re-

a-

If

ot

of

0

rut

all

ole

ee

ur-

by

rts

he

of

les,

Wales, for Offences committed within the Jurisdiction of such Courts, or at the Assizes, or General Quarter-Sessions, by any Person who shall sue within I welve Months after the Offence committed, with treble Costs of Suit, no such Bill or Proceedings shall be removed by Certiorari, Habeas Corpus or other Writ.

This Act shall not extend to the Six Clerks in Chancery, or the sworn Clerks in their Office, or the waiting Clerks belonging to the Six Clerks, or the Cursitors, or the Clerks of the Petty-Bag Office, or the King's Coroner and Attorney in the King's Bench, or the Filazers or the Attornies of the Courts of the Dutchy, or the Court of Exchequer at Chester, or the Attornies of the Lord Mayor and Sheriffs Courts in London; but the said Clerks may be examined, and practice in their respective Courts and Offices, as they might have done before this Act.

Nor to the Attornies or Clerks of the Office of King's Remembrancer, Trea-furer's Remembrancer, Pipe or Office of Pleas in the Court of Exchequer at Westminster; but the said Attornies and Clerks shall be approved and practise in the said Court, or in any other Court of Record, in the Name or

D₃ Con-

Consent of some sworn Attorney of such Court. And any Person who shall be sworn an Attorney or Solicitor, may practice and solicit in the said Offices.

Nor to Solicitors of the Treafury, Customs, Excise, Post-Office, Salt or Stamp-Duties, or of any other Branches of the Revenue, or the Solicitor of the City of London, or the Assistant to the Council for the Assistant of the Admiralty, but such Solicitors and Assistant may practice in their respective Office only, as they might have done before.

This Act shall continue in Force from the 1st of June 1729 for Nine Years, and from thence to the End of the then next Session of Parliament.

B

a A

0

t

Stat. 7 8 8 W. 3. 6. 24. And by a Statute passed in the 7th and 8th Years of W. 3. 'tis Enacted, it any Person at any Time after the 25th of May 1696, shall act as a Serjeant at Law, Counsellor at Law, Barrister, Advocate, Attorney, Solicitor, Proctor, Clerk or Notary, by practising in any Manner as such, in any Court of Courts whatsoever, not having before the Time of such Acting, taken in the Court of Chancery, King's Bench, or Quarter Sessions of the County where he lives, the Oaths mentioned and appointed to be taken in the Act made

W. & M. c. 8. and made and fubcribed the Declaration appointed to be made and fubscribed in the Act made 25 Car. 2. c. 2. fuch Persons shall incur all the Pains, Penalties and Forfeitures mentioned in the Statute of Provision and Premunire, made 16 R. 2.

This through want of Opportunity, The Legillaor Knowledge of its being required, is ture's Indulfrequently omitted, and the Legislature are often kind in indulging fuch Perfons, by their frequent passing of Acts; to indempnify, Persons who through Ignorance of Law, have omitted to qualify themselves.

And the better to go through his Business, it may be proper briefly to acquaint our young Clerk with the Authority of the respective Courts, and of the several Offices belonging to

them.

of

ill

ay

ry,

10

1es

he

:he

ni-

nt

ce

re.

TCE

ine

of

7th

, if

5th at ter, tor, any

Of

ore

the 10

ere

ap ade

II.

D 4 House

referred to the contract of the estimates

seem Proposition of a smill of a

a very of proceeding who is

SECOND STAND STANDS

enterentable for semigroup and answer

Of the Courts of King's Bench and Common Pleas, and of their respective Offices and Officers.

The King's Bench.

Authority of the Court of

HE Court of King's Bench is fo King's Bench. called from the Presence of the King, the Kings of England having in Dimes past fat on the Bench, but the Judicature always belonged to the Indges; and it was formerly moveable with the King. When the King fat in this Court in Person, its Authority was bruch greater than now, though it still retains a very extensive Power in the Distribution of Justice, both Civil and Criminal; its Jurisdiction therein extending all over England, and is accordingly divided into a Crown-Side, and a Plea-Side: The Crown-Side determines all Criminal Matters (wherein the King is Plaintiff) as Treasons, Felonies, Murders, Rapes, Robberies, Riots, Breaches of the Peace, and all Causes prosecuted by way of Indictment, Inquisition or Information. And into the Court of King's Bench, Indictments

dictments from all inferior Courts, and Orders of Sessions may be removed by Certiorari, and Inquisitions of Murder are certified hither of Course.

of

d

fo

he

in

he

he

in

vas till

he

nd

ex.

acle,

de-

ein

Fees,

all

ict-

In-

nts

The Plea-Side holds Plea of all perfonal Actions profecuted by Bill or Writ; as Actions of Debt, Detinue; Covenant, Account, and of all Actions of the Cafe, either upon Promises, Nusances, Torts, Trover and Conversion, scandalous Words, or on penal Statutes; and all other perfonal Actions, Ejectment, Replevin, Trefpals, Walte, against any Person in the Custody of the Marshal of the Court, as every one fued here is supposed to be: And of all personal Actions for or against any Officer, Minister, or Clerk of the Court. This Court may examine and correct the Errors of the Court of Common Pleas, and other inferior Judges or Justices; it can reverse a Judgment given in the King's Bench in Ireland: It may repeal the King's Letters Patent by Scire Facias. It granteth an Habeas Corpus upon Motion to relieve Persons wrongfully imprisoned, restores Freemen unjustly disfranchised, may bail any Person whatsoever, where bailable by Law. The Chief Justice of this Court is constituted by Writ, and the rest by Patent; but their Authority, when constituted, is Original,

and Ordinary; for when the King hath appointed them, they have their Jurif-diction from the Law, in all Causes

both Criminal and Civil.

Officers of the Ring's Bench.

The Subordinate Officers of this Court are, on the Crown-Side, the Clerk of the Crown, and the Secondary of the Crown, with Eight Under-Clerks who attend in the Crown-Office, and act as Attornies for the Dispatch of Business. On the Plea-Side, there is a Chief Clerk or Prothonotary, and his Secondary or Deputy; also the Custos Brevium, two Clerks of the Papers, the Clerk of the Declarations, the Signer of the Bills, and the Signer and Sealer of the Writs, the Clerk of the Rules, Clerk of the Errors, Clerk of the Bails, Philizers, the Marshal of the Court, and the Ushers and Criers.

Protbonotary.

Secondary.

All these Officers on the Plea-Side, have their several Businesses and Employments, as follow: The Prothonotary or Master of the King's Bench Office, and his Clerks, are the proper Attornies here, who enter all Declarations, Pleas, and other Proceedings. His Secondary constantly attends the Sitting of the Court, to receive Matters referred to him by the Judges, to be examined and reported to the Court; he signs all Judgments, taxes Costs, and gives Rules to answer, reply, and rejoin;

join; and he also informs the Court in Points of Practice.

The Deputy keeps the Stamp for Deputy-Stam-

figning all Writs, and he keeps Remem- per. brances of all Records: All Writs returned, Posteas, Writs of Error, and Common or Special Bails are filed in his Office. The Custos Brevium files all Custos Bre-Originals, and other Writs whereon you Keeper of the proceed to Outlawry; Examines and Writs. feals all Records of Nisi Prius for Trials at the Affizes, and has feveral Clerks under him for making up Records throughout England. The Clerks Clerks of the of the Papers make up the Paper-Books of all special Pleadings, and Demurrers, which the Plantiff's Attorney most commonly speaks for, and afterwards gives Rule for the Defendant's Attorney to bring to him again to be entered, in four Days, or Judgment to go by De-

groffed, and continues them on the back from the Term you declare, till

Rules and Orders made in Court, and

fault. The Clerk of the Declarations Clerk of the files all Declarations after they are in-Declarations.

Issue is joined. The Signer and Sealer Signer of of the Writs and Bills keeps a Book of Sealer of Bills. Entry of the Names of the Plantiffs

and Defendants in all fuch Writs. 'The Clerk of the Clerk of the Rules takes Notice of all

after-

afterwards draws them up, and enters them in a Book at large: And he or

the Clerk of the Papers files all Affidavits used in Court, and makes Copies of them at 4 d. per Sheet; and with him are given all Rules of Course, as on a Cepi Corpus, Habeas Corpus, for Procedendo's, Posteas, Writs of Enquiry. The Clerk of the Errors allows all Writs of Error, and makes Supersedeas thereupon into any County; he likewife makes the Transcript of Records to be carried into the Exchequer Cham-The Clerk of the Bails, and Posteas, files the Bail-Pieces, and marks the Posteas, and attends in the King's Bench Office for that Purpose. Philizers are One for each County, who

make the mean Process after the Original in suing to the Outlawry; and have the Benefit of all Process and Entries

Clerk of the Bails.

Clerk of the

Errors.

Philizers.

Marshal. Usbers and Griers. The Marshal of the King's Bench, by himself or Deputy, always attends the Court, to receive into his Custody such Prisoners as shall be committed. The Ushers and Criers make Proclamations of Summoning, and Adjourning the Court, call Nonsuits, and swear Jurymen, and Witnesses. There are four Tipstaves, that is, One belonging to each Judge.

Tipfaves.

The

n

n

t

fe

n

The Common Pleas.

The Court of Common Pleas, (other- Authority of wife called Common Bench) is the Court of Common Pleas. King's Court held at a Place certain, to wit, Westminster-Hall. The Jurisdiction of this Court in Civil Cases is general, and extends itself throughout all England. It holds Plea of all Civil Causes at Common Law, between Subject and Subject, in Actions Real, Perfonal, and Mixt: Real Actions, fuch as concern Inheritances, by which Fines and Recoveries pass, and all others by Original Writ, Personal Actions, of Things transitory, as for Money, Goods, and Chattels personal. Mixt Actions, partaking of the Nature of both, as Ejectione firma, Quare impedit, Waste, wherein is recovered not only the Land or Parsonage, but likewise Damages for Detainer, Disturbance in Presentation, Actions popular, as Decies tantum, Champerty, Maintenance are also cognizable by this Court; and Actions Penal, as Actions of Debt upon any Statute, which gives a Penalty for the Breach thereof, to those who will sue for the fame. And regularly this Court cannot hold any Plea in Actions Real, Personal, or Mixt, but by Writ out of

S

S

0

e

S

r

0

18

Chancery returnable in this Court; unless it be by Bill, for or against an Officer or other privileged Person of this Court, for Prohibitions to keep Courts within due Bounds.

In Personal, and Mixt Actions, this Court and the King's Bench have now for the most part a concurrent Jurisdiction (tho' not so originally:) But none are admitted to plead at the Bar, or to sign any special Pleadings in this Court, but Serjeants at Law. And this Court hath no Cognizance of Pleas of the Crown. Nor had the King's Bench originally of Civil Actions between Subjects, except Breaches of the Peace, or where the Defendant was in Custody of the Marshal.

Clerks and Officers of the Common Pleas. a 7

a
J

tl

di be

Se

CW

Qi fa

Re

Officers of the Common Pleas.

The Clerks and Officers of this Court, are the Custos Brevium, three Prothonotaries, and their Secondaries, the Clerk of the Warrants, Clerk of the Essoins, fourteen Filazers, four Exigenters, Clerk of the Juries, the Chirographer, Clerk of the King's Silver, the Clerk of the Treasury, Clerk of the Seal, of Outlawries, and the Clerk

of the Inrollments of Fines and Recoveries.

The Cuftos Brevium is the Chief Cuftos Bre-Clerk in this Court; he receives and vium, or keeps all Writs returnable here, filing the Writs. each Return by it felf, and at the End of every Term, receives from the Prothonotaries all the Records of Nisi Prius, or Posteas; (brought by the Clerks of the Affize of every Circuit) and the Clerk of the Judgments delivers to the Custos Brevium, all. Records of Nisi Prius at the End of every Term, who files the Rolls together, and carries them into the Treafury of Records. He also enters the Writs of Covenant, and Concords of all Fines, and makes out Exemplifications and Copies of all Writs and Records. The Prothonotaries enter and inroll Three Protheall Declarations, Pleadings, Affizes and notaries. Judgments, and all other Entries of the Clerks and Attornies belonging to their Offices: They make out all Judicial Writs, Venire Facias, and Habeas Corpus, Writs of Execution, and Seisin, Writs of Privilege to remove Causes, Procedendo, Scire Facias, Writs of Inquiry of Damages, Audita Querela, Process upon Prohibitions, and false Judgments; and they inroll all Recognizances acknowledged in this Court,

S

15 f

h

n

e,

y

178

rt,

0-

he

he

xi-

hi-

er, of

erk

of

t ne I Kin

tl a

I

HR.

In

tŀ

BF

to

K

th

of

 $\mathbf{F}_{\mathbf{i}}$

R

T

CO

fea

ce

Be

Ex

the

Con-

Three Secondaries.

Clerk of the Warrants.

Clerk of the Essins.

Filazers.

Court, and all Common Recoveries, The Secondaries are Affistants to the Prothonotaries in the Execution of The Clerk of the Wartheir Offices. rants enters all Warrants of Attorney, and Deeds of Bargain and Sale acknowledged in Court, or before any Judge thereof; and estreats into the Exchequer all Issues, Fines, and Amerciaments, which grow due to the Crown, in this Court. The Clerk of the Essoins keeps the Roll of the Esfoins, wherein he enters them, and exemplifies Nonfuits and Effoins; for which certain Fees are appointed: And he also provides Parchment, and cuts it into Rolls, marking the Numbers thereon, which he delivers out and receives again after they are written, and makes them up in Bundles or Files The Filazers make out each Term. all mesne Process between the Original Writ and the Declaration: And where the Defendant is fummoned or refummoned, they iffue out Diffres infinite till Appearance: They make out all Writs of View, and Writs of Superse deas, where the Defendant appears in their Office after a Capias awarded. They may also enter Imparlances, or general Issues, the Appearance being entered with them, and Judgments by

Confession thereupon, before Issue joined, and Writs of Execution on the same. The Exigenters make out all Exigenters. Exigents and Proclamations, in order to Outlawry; and have for every common Exigent One Shilling, and for every ordinary Proclamation Six Pence. The Clerk of the Juries makes out all Clerk of the Habeas Corpora Juratorum, for summon- Juries. ing Juries after the Sheriff has returned the Panel on the Venire; and he makes all Continuances till the Verdict given. The Chirographer ingrosseth all Fines Chirographere upon Writs of Covenant, and makes Records thereof; he likewife delivers Indentures of them to the Parties, and the Foot of the Fines to the Custos Brevium: And he proclaims all the Fines in Court every Term, according to the Statute. The Clerk of the Clerk of the King's Silver enters in a Paper Book, King's Silver. the Substance of the Writ of Covenant of Fines, pursuant to which Notes all the Fines are entered upon Record in the Rolls of the Court. The Clerk of the Clerk of the Treasury has the keeping of the Re- Treasury. cords of the Court; and makes up and seals all Records of Nisi Prius; he certifies all Records into the King's Bench on Writs of Error; he makes Exemplifications of Records lodged in the Treasury; and all Copies of Issues, Im-

e

.

e

f

-

70

d

it

rs

6-

n,

es

ut

al

re

n.

te

ıll

le.

in

ed.

10

ng

by

n.

Clerk of the Seal.

Clerk of the Outlawries.

Clerk of the Infolments.

Clerk of the Errors.

Imparlances and Judgments, and of all Informations. The Clerk of the Seal feals all Writs, and Mesne Processes made by the Filazers; also Writs of Outlawry, and Superfedeas, and all Patents or Exemplifications. The Clerk of the Outlawries is Servant to the Attorney General, for making out the Capias atlagatum after Outlawry, and the Attorney General's Name is to every one of thefe Writs. The Clerk of the Incolments of Fines and Recoveries, returns all Writs of Covenant upon Fines, as also all Writs of Entry, Summons and Seisin upon common Recoveries; he also invols and exemplifies all Fines and Recoveries.

These are the several Officers and Offices of the Court of Common Pleas; to which we may add a Clerk of the Errors, for the Allowance of Writs of Error, and certifying the Records

thereon into the King's Bench,

In the Year of our Lord 1650, in the Usurpation and Tyranny of Oliver Cromwel, that great wicked Man, who from a private Person without Estate or Alliances, raifed himself to be Protector of England, and made the Nations around him tremble, an Act or Ordinance was made, that all Proceed-

Oliver's Ordinance.

ings

ill

al

es

of

a-

rk

t-

be

br

to

rk o-

nt

y,

ne

n-

br

SI

he

of

ds

in

er

10

te

0-

a-

or

dgs 15 14

ings whatfoever, in the Courts of Juftice in the Commonwealth, which concerned the Law and Administration of Justice, should be in the English Tongue, and not in French or Latin, or any other Language than English, and that they should be written in an ordinary usual legible Hand, and not in the Hand called Court-Hand.

And I find by another Ordinance in Another. those unhappy Days, to wit, in the Year 1651, that the Translation into English, of all Writs, Process, and Returns thereof, and of all Patents, Commissions, and Proceedings whatsoever in any Court of Justice whatsoever, within the Commonwealth of England, and which concerned the Law, and the Administration of Justice to be made and framed into English, according to the aforementioned Act in the Year 1650, was referred to the Speaker of the Parliament, the Commissioners of the great Seal of England, Lord Chief Justice of the Upper Bench, Common Pleas, and Lord Chief Baron of the Exchequer for the Time being, Two or more of them, and what should be agreed by them, or Two of them, in Translation of the same, the Lords Commissioners of the Great Seal, E 2 might

might affix the Seal thereunto, in Cases where the same ought to be fixed.

Cenfured.

'Tis notoriously known that Oliver and his Son Richard, who was declared Protector after the Rebel, his Father's Death (tho' he held it a very little Time) kept our Gracious Monarch King Charles the Second from the Throne of his Ancestors, for about the Space of Eleven Years; yet in accounting the Year of the King's Reign, we begin or date it from the Death of his Father the Royal Martyr; and I perceive in the twelfth Year of his Reign, which was the first after the Restoration; and as foon as the Legislature had Time to look about them, they passed an Act, declaring the abovementioned pretended Act, made in the Year 1650, to be in Force, as if it had been a good Act, from the first Return in Easter Term 1651, to the first Day of August 1660, and no longer. This was then thought a fufficient Probation of the Proceedings of Law in the English Tongue; and if it had then been found beneficial, doubtless the same would have been continued by Parliament; but the contrary rather appearing: We may venture to fay, the Law was restored to its ancient Language, together

h

Z

a

Confirmed, and repealed. together with the King to his ancient

But the present Age (for those good Reasons, which are contained in the Preamble to the Act) resolving upon a Change, in the next Place I shall proceed to give you an Abstract of the Act, which passed in the Fourth Year of the Reign of our present Sovereign Lord King George the Second, Entitled, An Act, that all Proceedings in Courts of Justice, within that Part of Great Britain called England, and in the Court of Exchequer in Scotland, shall be in the English Language.

e

h

e

e

e

S

Stat. 4 Geo. 2. Enats, That after Stat. 4 Geo. 2. the 25th of March 1733, all Writs, Pro- abstracted. cess, and Returns thereof, and Proceedings thereon; and all Pleadings, Rules, Orders, Indictments, Informations, Inquisitions, Presentments, Verdicts, Prohibitions, Certificates, and all Patents, Charters, Pardons, Commissions, Records, Judgments, Statutes, Recognizances, Bonds, Rolls, Entries, Fines and Recoveries, and all Proceedings relating thereto; and all Proceedings of Courts-Leet, Courts-Baron, and Cuftomary Courts, and all Copies thereof; and all Proceedings whatfoever in any Courts of Justice, within that Part of Great

Great Britain called England, and in the Court of Exchequer in Scotland, shall be in the English Tongue and Language only, and not in Latin or French, or in any other Language, and shall be written in such a Character as the Acts of Parliament are usually ingroffed in, and the Lines and Words to be written at least as close as the said Acts usually are (and not in Court Hand) and in Words at length, and not abbreviated; and any Person offending against this Act, shall for every Offence forfeit Fifty Pounds to the Perfon who shall sue for the same in any of the Courts of Record in Westminster-Hall or Court of Exchequer in Scotland.

Distrantlation, Variation in Form by reason of Translation, Mispelling, or Mistakes in Clerkship, or Pleadings, or Proceedings begun, or to be begun before the 25th of March 1733, being Part in Latin, and Part in English, shall be no Error, or make void any Proceedings; but all Manner of Mistranslation, Errors in Form, Mispellings, Mistakes in Clerkship, may be amended, whether in Paper or in Record, or otherwise, before or after Judgment, upon Payment of reasonable Costs.

This Act is not to extend to the certifying beyond the Seas, any Cafe or Proceedings in the Court of Admiralty: but in such Cases the Commissions and Proceedings may be certified in Latin

as formerly.

d

Ì

d

ıŝ

Ó

d

t

d

F.

n

All Statutes for amending Delays arifing from any Jeofails whatfoever, shall extend to all Forms and Proceedings in Courts of Justice (except in Criminal Cases) when the Forms and Proceedings are in English, and all Errors or Mistakes, which might be amended by any Statute of Jeofails, if the Proceedings had been in Latin, are hereby declared to be amended by the Statutes now in Force, for the Amendment of any Jeofails, when the Proceedings shall be in the English Language; and this Clause shall be taken in all Courts of Justice, in the most beneficial Manner for the Ease of the Parties, and fo as may best prevent frivolous and vexatious Delays.

I don't find by this, the foregoing No Person Act of Parliament, that any Care is appointed to taken to appoint or name any Person or Persons to translate or frame into English, the Writs, Process and Returns, or other Proceedings in the Law, as was directed by Oliver's fecond Ordinance E 4

fi

11

A

(

a

Ι I

L 10

The Reason.

dinance in 1651; but peradventure some Books of those Days still extant, might occasion that Omission; yet I am afraid we shall find English as difficult a Task to write well, as ever Latin was; at least we shall have so many ignorant Wretches attempt it, that we may expect a Medley.

English not so concise as Latin.

It can by no Means be pretended, that the English Language is fo concife or expressive as the Latin, and therefore the Proceedings (if Forms are not at first well settled) must be expected to be drawn into a greater Length of Words, as well as Words at length; the Proceedings in the High Court of Chancery will fufficiently jus-

tify this Remark.

Give me leave then (having first set forth an Account of the Terms and their Returns, very necessary for young Clerks to be verfed in;) in the best Form I can, to begin with that of a Bill of Middlefex; and to acquaint you that the first Process in the Court of King's Bench, was a Writ issuing out of that County where the Court usually was held, and was called a Bill of the County's Name; and now the Court is fixed at Westminster, is called a Bill of Middlefex, the Form whereof follows; and to make it more useful it is engraved in fuch

The first Process in Mide dlefex.

e

n

lt

22

y

e

1-

8

r

t

h

t

r

fuch a Character as the Acts of Parliament are usually ingrossed in, and the Lines and Words as close as the faid Acts usually are; and is intended as a Specimen of writing the future Proceedings in Law, pursuant to the aforefaid Act of Parliament. with holleld sale to a

Of the Terms, and their Returns.

HE Attornies chief Business is transacted or passed through the feveral Offices in Term-time, of which there are four in every Year, to wit,

Hillary, Eafter, Trinity and Michael- The Four mas, and of these two are called Issua- Terms. ble Terms, to wit, Hillary and Trinity, for that in those Terms the Issues in Country Caufes were generally joined, but now little or no Difference is made between Town and Country Business; as you may observe from the Rules aforementioned.

Hillary Term, begins on the 23d Hillary. Day of January, and ends on the 12th Day of February, except either of those Days happen on a Sunday (which is no Law Day) and then on the Day following.

In

The Clerk's

In this Term are four Returns, and the Court of Common Pleas Form is,

Returns in the Common Pleas.

- 1. In eight Days of Saint Hillary.
- 2. From the Day of Saint Hillary, in fifteen Days.
- 3. On the Morrow of the Putification of the bleffed Mary.
- 4. In eight Days of the Purification of the Blessed Mary.

Note.

Note; The Returns in the King's Bench, (except you proceed by Original) are usually on a Day certain, to wit, as to the first Return, on Monday next after eight Days of Saint Hillary, and so of the rest; and they usually add in the two last Returns the Word Virgin, to wit, Blessed Virgin Mary. But if you proceed (as you well may) by Original Writ, (such Practice being of great Antiquity in the Court of King's Bench,) the Returns are the same as in the Common Pleas, adding thereto, Wheresoever we shall then be in England.

Eafter.

Easter Term begins sooner or later as Easter Day happens to fall, to wit, Seventeen Days after Easter Sunday, and therefore always begins on a Wednesday: In this Term are five Returns, (to wit)

1. From

tl

ò

tl

k

R

1. From Easter Day in fifteen Days.

2. From Eafter Day in three Weeks.

3. From Eafter Day in one Month.

4. From Easter Day in five Weeks.

,

s

t,

ð

n 2,

f

y

f

n

.

.

Ŀ,

à

5. On the Morrow after Afcension Day.

Trinity Term always begins on a Friday, to wit, on the Friday after Trinity Sunday, and ends the Wednefday Fortnight after, and hath four Returns, that is to say,

Trinity.

1. On the Morrow of the hely Trinity.

2. Eight Days after the holy Trinity.

3. From the Day of the holy Trinity, in fifteen Days.

4. From the Day of the holy Trinity, in three Weeks.

Michaelmas Term always begins on Michaelmas. the 23d of October, and ends on the 28th Day of November, (except either of those Days happen on a Sunday, and then on the Day following,) and is the longest Term in the Year, having six Returns, (to wit)

t. From

The Clerk's

- 1. From the Day of Saint Michael in three Weeks.
- 2. From the Day of Saint Michael in ditione Month.

1

1

u

a

iı

E

(

13 fo

C

1 de

D

th

ac

th

tu

to

fai

alf

foi

a. ing

ing

- 3. On the Morrow of the Day of All Souls .. Wor
 - 4. On the Morrow of Saint Martin.
- 5. In eight Days after Saint Martin.
- 6. From the Day of Saint Martin, in fifteen Days.

Note.

Triblit.

and ends the Wedner-Note; There are no Sittings in Westminster Hall on Ascension Day, Mid-Jummer Day, All Saints, All Souls, or Candlemas Day.

Rules for finding out the Beginning and Ending of every Term.

Essign-Day.

The first Day of every Return, is the Essoign-Day; (and this is accounted in Law the first Day of the Term, tho' in Fact the Term does not begin till four Days after) the fecond Day is

Exception Day the Day for Exceptions; the third Day Return Day. for the Return of Writs; and the

fourth Day for Appearances; and each Return of every Term was called, the

Quarto die post, now the fourth Day af-The fourth Day. ter: And this fourth Day after is always computed inclusively of every

Return, to wit, the Essoign-Day, and the 1

1

f

2.

}-

1-

10

g

is

t-

1,

ın is

Ly

10 h

ne f-

1-

ry

nd 10. the fourth Day after, for two of the four Days of the Return, and two Days between them; which altogether make the four Days above-mentioned, of which every Return doth confift, yet if the Essoign-Day fall on a Sunday, the fourth Day after is notwithstanding reckoned, as if it had fallen upon any other Day, (being reckoned as one of the four Days, altho' no Day in Law) and fuch Effoign-Day shall be kept on the Monday jointly with the Exception-Day, and the fourth Day (accounted) after, shall be on the Wednesday; likewise if either of the other four Days, of which the Return doth confift, should fall on a Sunday, they shall be respectively kept on the Monday following.

Every Term begins on the fourth When the Day after, of the first Return (altho' Term begins. the Essoign-Day as aforesaid is in Law accounted the first Day) and ends on the fourth Day after of the last Return, except either Day should happen to fall on a Sunday, and then as aforefaid on the Monday following. And also except in Trinity-Term the Effoign-Day, whereof being always on a Monday, and the Thursday following being the fourth Day after, and being Corpus Christi is not reckoned, and

Aire s be

there-

therefore Trinity Term always begins on a Friday, as is before observed.

When the Effoigns fall.

You are to observe also that the Essign-Day of Hillary Term falls always on the 20th of January; the Essign of Easter Term upon the Sunday Fortnight after Easter Sunday; the Essign of Trinity Term, on Monday the Morrow of Trinity Sunday; and the Essign of Michaelmas Term on the 20th of October; so that the same Day of the Week that Michaelmas Term begins, the next Hillary Term will end, and the same Day of the Week which Michaelmas Term ends of, the next Hillary Term will begin.

To make every thing as plain as possible, it may not be amiss to give our young Clerk the Returns in every Term in the Court of King's Bench, at length, which you have as follows for the present Year 1732. and varying the Days of the Week only, will be the same for

ever.

Hillary Term.

Returns in the King's Bench. 1. Monday next after eight Days of Saint Hillary.

2. Monday next after fifteen Days of Saint Hillary.

Eaften

3. Monday next after the Morrow of the Purification of the bleffed Virgin Mary.

4. Saturday next after eight Days of the Purification of the bleffed Vir-

gin Mary.

In worsen W

-X.6-4 (100m)

Milia

orly villabe

£.

ŀ

10

nhe

nd on

ne

as

m

he

ds

1.

as

rm

th, re-

ys

or

of

of

011-

Eafter Term.

1. Wednesday next after fifteen Days of Easter.

2. Wednesday next after three Weeks

of Easter.

3. Wednesday next after one Month of Easter.

4. Wednesday next after five Weeks

5. Monday next after the Morrow of Afcension Day.

Trinity Term.

1. Friday next after the Morrow of Trinity.

2. Wednesday next after eight Days

of the holy Trinity.

3. Wednesday next after fifteen Days of the holy Trinity.

4. Wednesday next after three Weeks of the holy Trinity.

Michael-

2. Menday next after the Morrow of -iV belol Michaelman Term? oil

在的接近

- Michaelmas. I. Monday next after three Weeks of V Saint Michael not not and add
 - 2. Monday next after one Month of Saint Michael.
 - 3. Monday next after the Morrow of All Souls.
 - 4. Wednesday next after the Morrow of Saint Martin.
 - 7. Tuesday next after eight Days of Saint Martin.
 - 6. Tuesday next after fifteen Days of Saint Martin.

Wednelday next

And now for the promised Specimen of writing the future Proceedings in Law; in the Form of a Bill of Middlefex.

Bill Middle-Sex treble 6 d. Stamp. · VissiaT

Affichael-

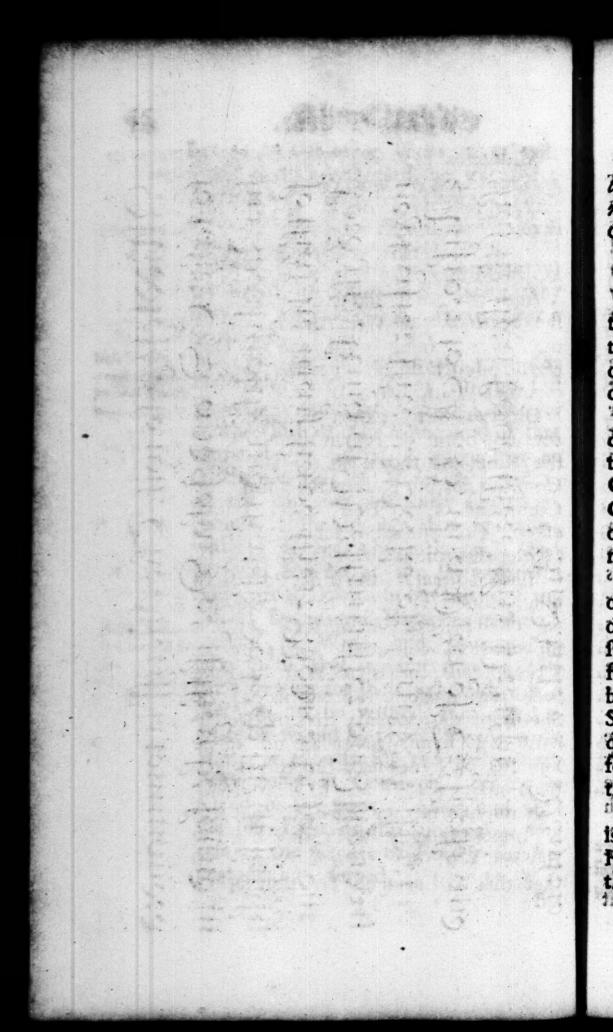
This Writ is to have a treble Sixpenny Stamp, and is to be figned by the Signer of those Writs, that is, the Keeper of the Bill of Middlesen Office, at present Mr. Nicholas Dennys, who keeps his Office in the King's Bench Office; in Term-time you pay Six-pence, and in the Vacation Ten-pence for Signing, and you are to make a Note for the Office in this manner.

Middlesex

82228

fo that he may have their Booies before our nopt after three 2Deeks of Saint Wirhard to Lord the Ling of AD offminter on Allonday his Bailywork, and that he so keep them fafely. to take C. D. and John Dot if they be found in Anhors to A, 23, in a Dka of Trespass, and that he then have there this Drevept. Misslefte to wit. The Sheriff is rommanses 23y 23ill Dentrio

of of of an at x-ne e, och x-ce a



Middlefex (to wit) Bill for A. B. Note for the against C. D. returnable or Monday next, after three Weeks of St. Michael.

Lewis 29 October 1732.

And you must likewise endorse on the back of the Wrir, the Name of Attorney's the Attorney fuing it out, and the Day Name, &c. of the Month and Year when; and fo of other Writs.

Observe this Precept in Middlesete This Precept does not begin or run in the Name of not in the Name of the the King, as the Writs in all other King. Counties do, but had its Rife from the Command of the Lord Chief Julice of the Court, and yet neither is he named therein.

The Latitat, (the first Process in The first Pro-other Counties) seems to be grounded Counties. on this Bill of Middlefex; always supposing, as you will observe by the following Form, that Writ to have been first issued, and returned by the Sheriff of that County that the Defendant or Defendants is or are not to be found in his Bailiwick: But this is fieldtious only. I nomm

If may be further oblerged, that this is almost the only Wit; that has the Happiness of an English Name; 10 that that will need no Transformation

to be Inderfeda And of other Wette Inno very

But as to our other Writs, they will found a little aukward, to wit, for a Latitat a Lay-hid, for a Capias a Takethou, and fo of the rest, as aukward as you please; but as we already find Latitat & discurrit (not improperly) translated to Sculk and Strole, why may we not call our English Latitat a Sculker?

O

u

u CC

-

"

"

45

"

66

46

**

"

33

33

G

33

u

**

ar

Sa

W

Delays, Bee. occasioned by perfonal Ser-

If you cannot personally ferve the Defendant with a Copy of this first writ, you must sue out an Alias, or another Bill of Middlesex, and if that cannot be so served, a Places, or an Oftentimes Bill of Middlesen; and fo on till you can personally serve him, (unless it should be thought worth while to proceed to an Outlawry,): This personal Service of the Defendant is fuch a real Disadvantage to the Plaintiff, by Delays and Expences in the renewing of Writs, and Journeys to ferve them, that it deters many People from feeking for their just Right; it is therefore to be wished, that our Legillature would be pleased to make the Writs or Process for the Defendant's Appearance at Common Law to be ferved in the same manner, and with the like Ease, as the Subpena or Proeefs in the Courts of Equity for Appearances are ferved son liw and But

diefor.

But I am forry to observe, that there does not at present seem that Spirit of doing Service to the Law, (which by the way would be doing Service to the Mation in general) as I find in former Days. Sir Edward Turner, Speaker of the honourable House of Commons, upon presenting some Law-Bills to King Charles IL was pleased, after a proper Preface, to add, "I may with Sir Edward " great Truth affirm, the Common Speech. " Law of England is the best munici-" pal Law in the World; and yet if the Legislative Power were not ready to countermine the Works, and make " up the Breaches that are daily made, " upon it, the Sons of Zerniah would "be too strong for us. We have now "presented to your Majesty several Bills for the Regulation of the Law, " which will ferve to prune fome exu-" berant Branches, and so pull away " the Ivy, that robbed this Tree of her " just Nourishment; and if your Ma-" jefty be now pleased graciously to shine upon her, She will flourish in great Abundance, to the Content of your

t

1

a

IS

1

O

=

S

> ic

3

h

9+

P

ut

Majesty, and all your People." As the first Bill of Middlesex bears English an old English Name, it will keep the Witts form same, and found well enough; wet all when we come to Another, or an Ac

formerly,

formerly, and an Oftentimes, they will feen foodd, that I fancy we shall keep to a Littitat, an Alias, and a Plurac; nor cam any Harin, as I can conceive, enfue by for doing (infor thefen those Words by configure Usage for such a long Series of Time as they have been used are become familiar, and as technical Words, may almost be faid to be a Party of our very Language Abut be that as it will; the Forms of the Alias and Plures Bills of Middlesen, are las pal Law in the Whit by Andswollon " the Legillative Power were not ready

up the Breaches that are daily made An Alias Bill | Middlefex, to with The Sheriff is of Middlesex. commanded, his formerly he was commandedeto take C. Do and for on, as in the first, to the End.

1

1

4

-2

V

a

th

B

11

salsm brhe Form of an Alias 100 of

-uxa amol anung By Bille Him Ventris. berant branches, and fo pull away

and to The Form of a Plures, vi adi just Plourithment; and it your Ma-

A Plures diefex.

on Middleles to add of the Sheriff is Bill of Mid-commanded as oftentimes he has been fore, to the Enduoy lie bas exfleial

As the first Bill of Middlesen bears English Motes on Paper are to be made for All these : Waits, likewise for the Office; af ter the manner beforementioned, and formerly, they officer, for which you pay Two Pence.

That hall next proceed to give you the Form of Laitar, or a Lay-hid the first Process in other Counties, as before observed.

The Form of a Latitut.

a i

1

e

8

15

15

:)

31

is

11-

So

is.

21

11

85

en

be-

for

af-

nd

ley

Latitat

Eorge the Second, by the Grace of A Latitat J God, of Great Britain, France and Ireland, King, Defender of the Faith, to the Sheriff of the County of Effex, Greeting. Whereas we had lately commanded to our Sheriff of Middlefex, that he should take A. B. and John Doe, if they might be found in his Bailiwick, and keep them safely, so that he had their Bodies before us at Westminster at a certain Day now past, to answer to C. D. of a Plea of Trespass. And our said Sheriff of Middlesex at that Day returned to as; that the aforefaid A. B. and J. D. were not found in his Bailiwick, whereupon on the Behalf of the faid C. D. it was sufficiently attested in our Court before us, that the aforesaid A. B. and J. D. run about, and fecret themselves in your County; therefore we command you that you take them if they may be found in your Builiwick, and safely keep them, so that worklonally lerved-with a Copy of the

Westminster on Tuesday, next after fifteen Days of St. Martin, to answer to the aforesaid C. D. of the Plea afortsaid, and that you then have there this Writ, Witness Robert Lard Raymond at Westminster, the Twenty-third Day of October, in the Sixth Year of our Reign.

satisfied the Second, by

1 Gco. 2.

And according to the Explanatory Act, herein after mentioned, upon the foregoing Bills of Middlefex, and upon this Latitat, and upon every Copy of fuch Process to be served on any Defendant, shall be written in like manner an English Notice to such Defendant, of the Intent and Meaning of such Service, to the Effect following; (that is to say)

English Notice upon each Engis A. B. You are ferged with this Procefs to the Intent that you may by your Attorney appear in his Majesty's Court of King's Bench at the Return thereof, being the Twenty-eighth Day of November next, (or as the Case shall hap pen to be; or Day is) in order to your Defence in this Astion.

Observe, if the Desendant is not Personally served with a Copy of the Latitat, Latitat, as afore remembered, an Alias must be issued, and after that if not so, served a Plures, the Forms whereof are as follows:

The Form of an Alias Latitat.

-

of

ry

of

8

er at,

dh

at

1

W

ert

of,

To-

iot

he

at,

George the Second, by the Grace of 4 Aliase of God, of Great Britain, France and Ireland, King, Defender of the Faith, to the Sheriff of the County of Essex, Greeting. We command you, as formerly we have commanded you, that you take A. B. and John Doe, if they shall be found in your Bailiwick, and keep them safe, so that you have their Bodies before as at Westminster on Tuesday next, after Eight Days of Saint Hislary, to answer to A. B. of a Plea of Trespass; and that you then have there this Writ. Witness Robert Lord Raymond at Westminster, the Twenty-eighthe Day of November, in the Sixth Tear of our Reign.

Ventris.

The Form of a Pluses Latitat.

It be carried to the Seal

The Plures is exactly the same as Plures. the Alias, leaving out the Words; as formerly me have commanded you; and inferting in their Place; as we have F 4 often-

oftentimes commanded you. To both Alias and Plures must be added, as to the Latitat, A. B. you are served; and so on to the End, in order to your Defence in this Action.

The Writs, where figned, and Sealed.

These Writs are likewise to have or be made on a treble Sixpenny Stamp, and are to be figned by the Signer of the Writs, Mr. John Hawley, in the King's Bench Office; for the figning the Latitat is paid two Shillings and Sixpence, the Alias and Plures are figned gratis; but if there is above a Year's Interval between the Issuing of these Writs, you must begin again with a Latitat, and will not be entitled to the Alias of Plures; if you make out any of thele Writs in Term-time, 'tis usual to teste or witness them the first Day of that Term; if in the Vacation, the last Day of the preceding Term. And you must likewise make Notes for these Writs (after the manner of the Note for the Bill of Middlesex,) on Paper to be left with the Signer. Your Writ being thus figned, must be carried to the Seal-His Grace the Office (belonging, as I am informed to fome Noble Peer, and executed by Deputies) in the Middle Temple Lone; and for the Sealing of each of these Writs you are to pay Seven Pence: The Writs may be purchased with Blanks, of our London Stationers, which being chiefly

Duke of Cleveland. h

0

9

ır

18

y

e

为

1e

1

es

re

of h

to

ut LIS 1

p,

n. or

te

be ig

ıl-

to

e-

e ; se se

he

Explained

chiefly printed in the plural Number, is much to add, or John Doe, or Richard Roe, asra nominal Defendant.

I shall next give you the Form of a Capias or Take-thou; in the Court of King's Bench Common Pleas; but you are to Note, the Attornies. altho' the King's Bench Attorney makes out his Writs himfelf, yet these Writs in the Common Pleas are made by the Philacers of the respective Counties, Common Pleas for which he is paid three Shillings and by the Filacer. Eight-pence, for the Writ and the Stamp-Duty, which Duty is the same as in the foregoing Writs in the Court of King's Bench; and from the Philazer it must be carried to the same Seal-Office in Middle Temple Lane, to be fealed, for which you likewise pay Seven Pence; but the the Seal-Office is kept at the fame Place, yet there are two distinct Seals; one at the upper end of the Table, for the Court of King's Bench, and the other at the lower end, for the Court of Common Pleas: There should be some Instruction for the Philacer to make out the Writ, which may be in the short following Manner.

Bucks (to wit) If Henry Jones put Infirmations R. H. late of Aylesbury, in thy County, for the Fila-Yeoman (for breaking his Close at Aylesbury) returnable on the Morrow after Ascension-Day.

Smith 9 May, 1732. The

Writs made by

Capina in

C B.

Explained.

The Meaning of which is, If Henry Jones make thee (the Sheriff) feture, then put by Gages R. J. late of, and so forth; which is the Form of the Original Writ that must be made out to warrant this Capias upon, and which the Philacer at his Leifure procures from the Cursitor in the Court of Chancery.

The Form of a Copias, or Take-thou.

Capias in C.B.

Eorge the Second, by the Grace of J God of Great Britain, France and Ireland, King, Defender of the Faith, to the Sheriff of the County of Bucks, Greeting. We command you, that you take R. H. late of Aylesbury, in your County, Teoman, and John Doe, if they Shall be found in your Bailywick, and safely keep them, so that you have their Bodies before our Justices at Westminster, on the Morrow after Ascension Day, to answer to H. J. of a Plea, wherefore with Force and Arms, they broke the Close of the said H. at A. and other Enormities did to bim, to the great Damage of the faid H. and against onr Peace; and have there this Writ. Witness Sir Robert Eyre Knight at Westiminster, the Twenty-fixth Day of April, in the fifth Year of our Reign.

Woodhouse.

The

200

0

ı,

f

d

,

5,

¥

7

72

78

n

7,

1e A t. TT. of

1e

The Filacer, as before observed, The Reason making these Writs, I shall not insert to make any more Precedents of them, but must observe to you, that if this Writ is not perfenalty ferved in the County where in it is illued (as all others must) and before the Return is past, you must have a Capier by Continuance, and fo on as before, for both Courts are alike in these things; for the Continuance you pay the Filazer Two Shillings and Ten Pence, and for the Scaling as before Seven Pence. And here I shall give you the Names of the present Filazers for all the Counties in England, and of their Deputies who keep their respective Offices; but note, where there is no Deputy named, the Filacer executes his Office himfelf. There Desired Town Powel Suffalls and City of Nor-

No vice and the second of the

Sir Bloye Lake Toke Watelyn & Lordson Ory of This

There is a second of the secon

George Green's as

Alik of the Filecer	s of the Court of	Common Pleas at Westmin
any more Precedents of treesty bytenglating or gain		
observations ou, that if singed Vrit is not considered		
Warenickshire, Leisefter, Warenickshire, Leisefter, Warenickshire, Leisefter, Warenickshire, Leisefter,		
and (others must	bire, Nottingbambire,
Orlando Hamlynin	is palty you	- ETUDOWybine, City of Co
of bu	ontinuance, a	Country and Town and
ONUB	n Courts are	1 CBodford Birle 3 19 Berkilbire,
Thomas Woodhouse	the Contin	Buckingpumshire it On-
gs and	Two Shillin	Sbropfvire, Stafferdfbird,
John Di Coo od 28 Paril Southant of Monthamptou Bite, Rut.		
Little Power Confidence And here I finall		
had foriging to the prefent fi-		
William Hefter Robert Barney 3 the Fown of South-		
their	es who keep	Dorfet foire, Somerfet foire,
John Martin MONW	Thomas Bolad	3 School of Beller, and
50 MB (1980) 10 10 10 10 10 10 10 10 10 10 10 10 10	amed, the I	Decembere and City of
Rodolph Hobbes		n coophder in cotuctas
Albert Delande	John Powel	Suffolk. S Norfolk and City of Nor-
George Green	Contract Con	Z wich.
Sir Bibye Lake	John Wakelyn	Yorkshire, City of York and Town of Hull.
		(Northumberland, Westmor-
Thomas Warde		- 3 land, Cumberland, Town
Robert Eyre	20 20 10 10 10 10 10 10 10 10 10 10 10 10 10	- C of Newcastle upon Tine London and Middlesex.
John Bicknel		Surry, Suffex, Kent, and
W A11		Lincolnsbire and City of
Henry Allen fil A	John Staples.	¿ Lincoln.
William Hughes	AND AND THE STREET	S Cambridge bire and Hun-
By Aspent, a		Cornwal, Gloucestersbire,
Thomas Warden.	John Staples	City of Gloucester, Wor-
		ceftersbire, City of Wor-

15

lo

Di-

nd m.

)#-

ch-

od

4

nd

3

01-

ork

wn ne.

nd

77.

of

111-

e,

or

viblormay it be amis, likewife to in- Proceedings by fert the respective Names of the pre-Original Tent Elacers) in the Court of King's Bench, for that, when you proceed in that Court by Original, you make use of the Filacers there in the faine Nature, and the Proceedings are much the same as in the Court of Common Pleas; and for Directions in the way of Practice by Original in this Court, I refer you to Try's Jus Filazarii, or the Filacer's Office in the Court of King's Bench; yand you have this Advantage in fuck of Proceedings, athat one Write of Error can be brought but in Parliament, and that only when the Parliament are Bail can be filed by the Plain if sgnitte Defendant, an Affidavit of the Service

Pour Days edt tot usuie

of tenings of

Appeal.

The Filacers of the feveral Cities and In the King's Counties in England, in the Court of Bench. the Defendent's Appearance Bergered

Enlarged to to eight Days, by the Act palled in the 30 Mr. James Mead for the City of A' Life of the George the Second, to explosingmend

3b Mr. Samuel Eccles, for the County to ngof Derby. To me Year of the twelfth Year of

Mr. Martin Lantrow, for the Count zuolowy of Devon, and City of Enon. D. Mr. Theodore Johnson, for the Coun-

ties of Esemand Monmouth. Mr. William Hayward, for the Counand City of Glocester.

Mr.

The Cital's

Mr. John Browning, for the County

Mr. John Frewen, for the County of

I

d

le

th

0

fe

4

O

tu

fu

Ji

OL

th

or

in

or

VÍ

fh

Sh

of

C

of

die

ex

Mr. Thomas Vaughas claims all the other Counties in England.

Four Days | given for the Defendant to appeal.

If any of the Writs aforefaid have been personally served, the Defendant by the Act of the 12 of Geo. 1. is to appear at the Return of the Process or within four Days after ; and in Default thereof the Plaintiff may enter a common Appearance, or affile common Bail for the Defendant, and proceed thereon; but before fuch Appearance or Bail can be filed by the Plaintiff for the Defendant, an Affidavit of the Service of fuch Process, must be first made; and observe, that now the Time for the Defendant's Appearance is enlarged to eight Days, by the Act passed in the fifth Year of his present Majesty King George the Second, to explain, amend and render more effectual the Act made in the twelfth Year of the Reign of his late Majesty King George the first, intitled, an Act to prevent Frivolous and Vexatious Arrefts; the Abstract whereof is as follows.

Mr. William Union, d. 101 for Coun-

, betrande City of Closefter.

Enlarged to Right Doys

n M

Enacted. That after the End of this Stat. 5 Geo. 2. prefent Sellion of Parliament, in all Calis where the Cause of Action shall not amount to the Sum of Ten Pounds or upwards, in any superior Court, or to Forty Shillings or upwards in any inferior Court, the Writ, Process, Declaration, and all other Proceedings shall be in the Englife Tongue, and written in Words at length in a common legible Hand; and the Defendant in fuch Cases (a Copy of fuch Process in English having been ferved, as by the faid Act is directed) shall appear at the Return thereof, or within eight Days after such Return; and the Affidavit of the Service of fuch Process, may be made before any Judge or Commissioner of the Court out of which fuch Process shall iffue, authorized to take Affidavits in fuch Courts, or before the proper Officer for entering common Appearances in fuch Court, or his lawful Deputy; and the Affidavit shall be filed gratis.

No Attorney, Bailiff, or other Person, shall take or demand more than five Shillings for making and ferving a Copy of fuch Process out of any superior Court, or more than one Shilling out

of en inferior Court,

t

0

S

•

a

d

H

Ė

:0

B

or

d

e

g

ıd

le

of

ſŧ,

113

a

d,

In particular Franchises and Jurisdictions, the proper Officer there shall execute fuch Process.

Upan

Upon every Copy of fuch Process, shall be written in like Manner an Eng. lift Notice to fuch Defendant, of the Intent of fuch Service, to the Effect fol lowing, to wit, A.B. Tow are feroed with this Process, to the Intent that you may by your Attorney appear in his Majesty's Court of and begon at the Return thereof being Day of in order to your Defence in this Action; and for which faid English Notice no Fee or Reward shall be demanded or lerved, as by the faid Act is dir.nesks

f

f

P

th

Se

on

T

Gen Th

Nov

Cour

the f

a tra

After the End of this present Session of Parliament, where the Cause of Action shall not amount to Ten Pounds or upwards in any superior Court, or to Forty Shillings or upwards in any inferior Court, no special Writ, nor any Process specially therein, expressing the Cause of Action, shall be sued forth, in order to compel any Person to appear thereon in fuch Courty and all Proceedings and Judgments, that shall after the End of this Sellion be had on fuch Writ or Process, shall be void and of none Effect: And every Attorney of Officer of fuch Court fuing or issuing fuch Writt or Process, shall forfeit Ten Pounds to the Person aggrieved thereby, who may recover the fame by Action of his A Debt, Bill, Plaint or Information, in again vascute fuch Process.

Upon

any Court of Record at Westminster, with full Cost of Suit; and no Essoin, Protection or Wager of Law, or more than one Imparlance shall be allowed.

The faid Act (except wherein the fame is hereby explained and amended) shall be continued, together with this Act, from the End of this Session of Parliament for feven Years, and from thence to the End of the then next Session of Parliament, and no longer.

Note; The End of that Sessions was

on the first Day of June 1732.

d

3

11

11

9.

10

or

nc 60

ids

10 ny.

ny he

tho apall all

on

and

7 OF

ing

any

The Form of an Affidavit of personal Service of a Latitat.

In the King's Bench.

Between S. B. Plaintiff, and C. D. Defendant.

J. W. of C. in the County of Kent, Affidavit of Gentleman, maketh Oath, that on Service of a Thursday the Twenty-fourth Day of the King's November last past, at S. in the said Bench. County of Kent, he this Deponent served Ten the said Defendant C.D. personally with eby, a true Copy of a Process issuing out of n of his Majesty's Said Court of King's Bench, in against the Said Defendant, at the Suit

of the aforesaid Plaintiff, in a Plea of Trespass, returnable in the said Court on Monday next after fifteen Days of Saint Martin, and bearing Test or Witness the twenty-fourth Day of October last past; upon which said Copy so as aforesaid, served by him this Deponent, on the said Defendant, was written (or subscribed) an English Notice to the said Defendant of the Intent of such Service, pursuant to the late Act of Parlicment in that Behalf made and provided.

J. W. Sworn at C. in the said County of Kent, the seventh Day of December 1732, before F.W. Commissioner.

In the King's Bench.

Between S.A.B. Plaintiff, and C.D. Defendant.

H

D

pa

4 1

un

ag

Su

Ca

Another.

TO SEE STATE OF P

E.F. of Clifford's Inn London, Genleman, maketh Oath, that he this Deponent did on the Twentieth Day of October last past, personally serve the said Defendant D. with a Process or Bill of Middlesex, is sing out of this honourable Court, against the said Defendant, at the Suit of the aforesaid Plaintiff,

Plaintiff, returnable on Monday next after three Weeks of Saint Michael, by delivering unto him the said Defendant a true Copy of the said Process, and Showing him the faid Bill of Middlefex, so issuing out of this honourable Court, as aforesaid; upon which said Copy of the said Process so as aforesaid served by him this Deponent on the said Defendant, was written (or subscribed) pur-suant to the late Act of Parliament in that Behalf made and provided, an English Notice to the Said Defendant, of the Intent of such Service.

The Form of an Affidavit in the Common Pleas, of the Service of a Capias.

In the Common Pleas.

Between, &c.

d

3

12-)e-

of

the

or his

De-

aid iff,

E.F. Clerk to G.H. of Furnivals-Inn Another in Holborn, in the County of Middlesex, the Common Gentleman, maketh Oath, that he this Deponent did on the Day of last past, personally serve the Defendant with a true Copy of a Capias issuing out, and under Seal of this honourable Court against him the said Defendant, at the Suit of the said Plaintiff, which said Capias was returnable on the Morrow after

The Clerk's

after Ascension-Day, and at the same Time this Deponent acquainted the faid Defendant' with the Contents thereof, and showed unto him the said Writ it felf so under Seal as aforesaid; upon which said Copy --- as in one of the foregoing.

E.F.

t

b d

tl Sp

be h

af

m

W ho

fw

Ba

enc for

wild.

Sworn at, Gc.

in the King's Bench.

Affiled gratis; These Affidavits are to be engrossed on a double Six-Penny Stamp in the King's Bench; they are affiled gratis with Mr. James Munday the Clerk of the Rules; and the Bail-Piece also upon a double Six-Penny Stamp is affiled, with Mr. Charles Haddock, the Clerk of the Bails; for which, if of the fame Term 'tis filed, you pay One Shilling and Two Pence; if in the Vacation Four Pence more for a Post Terminum.

And Common

In the Common Pleas the Affidavit is likewise filed gratis, with the Filacer of the County, with whom you are to enter the Appearance for the Defendant, and pay him Two Shillings; but note, the Appearance at the Suit of an Attorney of that Court is to be entered with the Prothonotary, in whose Office the Writ or Attachment is fued out, and

and for which you pay Three Shillings and Four Pence.

But where the Action requires spe- Where Special eial Bail (as all for Ten Pounds and Bail is reupwards do) the Cause of Action must be expresly set forth in the Writ, and follows immediately after the Words, of a Plea of Trespass — (to wit) in the Bill of Middlefex—and And also is' also to the Bill of the said A.B. for to be added in the Writs. Ten Pounds Debt, according to the Custom of our Lord the King, before the said King to be exhibited—But in a Latitat the latter Part of the Words vary, and are according to the Custom of our Court, before us to be exhibited; and the Reason is plain, as before observed, the Bill of Middlesex does not run in the King's Name, as the Latitat does; and the King there speaking, says, Our Court before us to be exhibited; and before these Writs to hold to Bail are issued, according to the aforesaid Act, and Affidavit must be Affidavit. made of the Sum of Money (and for what) and for which you intend to hold the Defendant to Bail, which Sum fworn due must be indorsed on the Back of the Writ, and for the Sum fo endorsed the Sheriff is to take Bail, and for no more.

G 3

For

baA

d

it

172

10

ed

he

tis

of

lfo

af-

he

he

il-

ca-

er-

vit

la-

are

en-

out

an

red

fice

ut, ind

1 s. Swearing the Affidavit of a Debt. For swearing of the Affidavit, the Act expressly says One Shilling shall be paid, and no more; the Forms of the Affidavits must vary according to the Nature of the Cause of Action, but from the Variety of the following Forms, no one need to be at a Loss in drawing a proper Affidavit, according to his Client's Cause.

The Form of an Affidavit for a Debt due on Bond.

In the King's Bench.

Affidavit for Monies due on Bonds Moses C. of the Plaintiff in this Cause, maketh Oath, that the Defendant Thomas W. is really indebted unto him this Deponent in the Sum of One Hundred and sisteen Pounds, for Principal and Interest Money, due on a Bond, entered into by the said Defendant unto him this Deponent in the penal Sum of Two Hundred Pounds.

7

Sworn at, oc.

M.C.

b

th

47

an

yn Gu

And

And if two, or more, are jointly and feverally bound, and you would fue them all, fay, Jointly and severally entered into by them the said Defendants, unto him this Deponent, in the (for the Suit must penal Sum of be for the Penalty, altho' the Defendant is to be held to Bail for no more than is fworn due, and endorfed on the Writ as aforementioned.)

An Affidavit for a Debt due on a Note.

t

bė #

en

eft

by

le-

11-

C.

nd

-Maketh Oath that the De- On a Note. fendant T.W. is really indebted unto bim this Deponent, in the Sum of Fifty-two Pounds, upon a Promissory Note, under the Hand of him the said Defendant, and payable unto him this Deponent or Order, at a Timelong since past, for Value received.

Upon a Note endorfed against the Endorfor.

Upon a Promissory Note for On a Nove the like Sum, made by T.Q. payable Endorsor. unto the Said Defendant L. M. or Order, and by him the said L. M. endorsed unto this Deponent, according to the Custom of Merchants.

The Clerk's

Against the Drawer.

If against the Drawer of the Note, say, Made by the Defendant T.Q. payable unto L. M. or Order, and by him endorsed, &c.

For a Bill drawn.

On a Bill of Exchange,

upon a Bill of Exchange drawn upon him the said Defendant, and by him accepted,—— Or you may say, Upon a Foreign or Inland Bill of Exchange, as it happens to be.

For Goods fold.

For Goods fold.

A.B. of the Plaintiff in this Cause, maketh Oath, that the Defendant C.D. is really indebted unto him this Deponent in the Sum of Twenty Pounds and Ten Shillings, for Goods sold and delivered by him this Deponent, to and for the Use of him the said Defendant.

Sworn at, Gc.

A.B.

i

ti

A

L

th

P

of

lin

ne

th

P

H

Dhe

Sul

Another.

If there are two or more Plaintiffs, fay, Indocted anto him this Deponent and Company, the other Plaintiff in this Cause, in the Sum of for Goods fold and delivered by him this Deponent and Company, to and for the Use of him the said Defendant.

-For

For Work and Labour done and For Work performed by him this Deponent and done. his Servants, to and for the Use of him the faid Defendant.

For a Horse fold.

Maketh Oath, that the faid For a Horse Defendant is really indebted unto him fold. this Deponent in the Sum of ing the Price of a black Gelding by him this Deponent sold and delivered unto him the faid Defendant.

Another upon Bond made by the Plaintiff's Son.

5 2-

7

İs

0-

d

B.

s,

75

7

15

0-

le

or

R. R. of Saint Paul's Church-yard, Another up-London, Chair-maker, maketh Oath, that the Defendant is really indebted unto this Deponent's Mother, the Plaintiff in this Cause, in the Sum of Fifty-one Pounds and Five Shillings for Principal and Interest Money due on a Bond entered into by the said Defendant unto her the said Plaintiff in the penal Sum of One Hundred Pounds; and this he this Deponent can the better depose, for that he was present and saw the Principal Sum of Fifty Pounds lent, and is a subscribing Witness to the said Bond, and

and hath constantly received or been present when the Interest was used to be paid.

R.R.

An Affirmation upon a Foreign Bill of Exchange.

In the King's Bench.

Between, Gc.

An Affirmation upon a Foreign Bill.

J.T. of London, Merchant, the Plaintiff in this Cause, being one of the People commonly called Quakers, solemnly affirmeth that the Defendant L. is really indebted unto him this Affirmant, in the Sum of One Hundred Pounds, upon a Foreign Bill of Exchange drawn upon the said Defendant accepted; which said Foreign Bill is made payable to Mr. G. Van E. or Order, and by the said G.V.E. endorsed unto this Affirmant, according to the Custom of Merchants,

Affirmed the eighteenth of June 1732, at the King's Bench Office in the Temple, before me

Strong and French

John Hawley.

Thefe

be

H

B

101

ne

bas

English Tutor.

These Forms of Affidavits will serve for either Court, by placing the Words In the King's Bench, or In the Common Pleas (as you intend to bring the Action) on the Top of the left Side of the Paper, the following Affidavit is in the Common Pleas against two Persons Partners; one of which the Plaintiff was obliged to outlaw, and then proceeded against the other. La Albert

In the Common Pleas.

(M.T. Widow, Plaintiff, Between? and (O. S. Defendant.

zt f-

d

X-

7-

ut

is

01

17-

to

T.

efe

M. T. of the Plaintiff in this For Goods Cause, maketh Oath, that the said De- Partner was fendant O. S. is indebted unto her this outlawed be-Deponent in the Sum of One Hundred fore the Ac-Fifty-five Pounds and Eleven Shillings, being the Residue upon a stated Account between them for Goods sold and delivered (partly by this Deponent's late Husband in his Life-time, unto whom she is Executrix, and partly for Goods (old and delivered) by her this Deponent, unto him the said Defendant O.S. and one T. R.S. who now flands outlawed at her this Deponent's Suit, as Marine Charles and Charles She

fold, and one

the this Deponent is credibly informed and believes. Wall with the said the said

Lient (or you intend ..

i

fe.

to

be

A

tiff

Fil Wa

Common And also's.

AND SELECTION OF THE PARTY

After these Affidavits, it may be neceffary to give you some more Acetiam't to be inserted in the Writs as aforesaid; that already given is in an Action of Debt, which all Specialties are, as likewise for Rent, Ge. but in Actions of the Case for Goods fold and delivered, Work and Labour done, Gc. in your Acetiam, instead of the Word Debt, after the Sum of Money, you fay, Upon Promise (to wit) And also to the Bill of the faid A. B. for Fifty Pounds upon Promise, according to the Custom of our Court, before us to be exhibited; if two or more Defendants, and the Sums are equal, fay, And also to the separate Bills of him the said A. B. against the said C. and E. for Forty Pounds each, according to the Custom of our Court, before us to be exhibited; and if the Debts are unequal, fay, Against the foresaid C. for Twenty Pounds Debt, and against the said E. for Thirty Pounds upon Promise, according, &c. If in Trover, fay, Against the said Defendant for carrying away and converting of divers Goods and Chattels of the Plaintiff's, to his Dagnage

mage of Fifty Pounds, according, &cc. For a violent Assault, Bail may be required, and will be allowed upon Application to one of the Judges, with a proper Affidavit of the Nature of the Abuse, and then the And also must be against the Defendant for-by Order

according, &c.

d

d

u

R

7

*

E.

0eft

37

20

a-

ge

But if you would have a Special Latitat to prevent the Defendant's Imparlance, and oblige him to plead the same Term the Writ is returnable, purfuant to the Rule No. 2. before mentioned, you must more specially set forth the Case in the And also, (to wit) if in Debt, the Nature of the Debt, whether on a Bond, or for Rent, or how otherwise accrued; as follows if on a Bond, And also to the Bill of Special And the said A.B. against the said C.D. for One Hundred Pounds, which the faid C. D. by his certain Writing obligatory, fealed with his Seal, owes to the faid A.B. and unjustly detains, according to the Custom in our Court before us to be exhibited.

In Cafe for Goods fold and delivered, Another for And also to the Bill of the said Plaintiff against the said Defendant, for Fifteen Pounds, for divers Goods, Wares and Merchandizes of the Said non ditW out in a Plaintiff's

Plaintiff's by the same Plaintiff to the said Defendant, and at his special Instance and Request before that Time fold and delivered; and also for divers other Goods, Wares and Merchandizes of the said Plaintiff's by the said Plaintiff to the said Defendant, at his like Request fold and delivered; which the said Plaintiff avers at the Time of the Sale and Delivery thereof were worth another Fifteen Pounds, of which the Defendant had Notice, according to the Custom of our Court, before us to be exhibited; if upon a Promissory Note it must be set forth as, Against the said Defendant for Fifty Pounds due from the said Defendant to the said Plaintiff, by Virtue of a Note in Writing under the Hand of the Defendant, bearing Date the ninth Day of May in the Year of our Lord One thonfand seven hundred and thirty-one, by which said Note the said Defendant promises to pay to the faid Plaintiff or his Order the Said Sum of Fifty Pounds, three Weeks after Date, for Value received, according to the Custom of our Court, before us to be exhibited. And fo of other things according to the Nature of the Action; but as before observed, you are to keep to your special Writ in your Declaration, that is not to lay more Counts than in the Writ, nor lay the

C

P

tl

de

fe

M

fo

for

Bo

mi

Py

Venue

th

Another on a promissory Note.

Venue out of the County the Writ iffued; (Middlesex excepted) or you depart from the Benefit of your special Writ; and the Defendant will be entitled to an Imparlance.

But by the explanatory Act, and the late Rule Number 6. before mentioned, these Special And also's will become

almost useless.

e

e

-

t

d

172

7-

g

t,

ıy

rd

ch es

er

ee

ed,

rt,

of

of

ou

our

ore

the

que

with a Copy of a Process, or being arrested, Bail must be put in for him, the Nature of which I have before observed, and shall now give you the Form; the Common Bail-piece is upon a like square Piece of Parchment, but cut sloping at the Bottom; it is to be stamped with a double Six-Penny Stamp, and wrote in a Secretary Hand; a Specimen of which see in the foregoing Form of a Bill of Middlesex. Upon a Cepi Corpus it is as follows,

Middlesex, (to wit) C.D. of, and so Common forth, is delivered to Bail, upon his Body being taken, to John Doe of Westminster, Teoman, and Richard Roe of the same, Teoman.

Pye Attorney for at the Suit of A.B.

Michaelmas Term, in the fixth Year of King George the Second.

Where

Page 84.

Where to file this Bail-piece, and the Fee to be paid, has been already disclosed; but if the Defendant does not file the Bail within four Days, the Plaintiff may do it for him upon an Affidavit of the Service of the Writ, as before directed, and you only add to the Bail-piece under the Attorney's Name, the Words according to the Statute; but by the late Act of the 5th of G. 2. to explain the former Act concerning frivolous Arrests, the Defendant hath eight Days to appear.

Special Bail.

The Form upon a Cepi Corpus.

Special Bail is likewise upon a small Piece of Parchment cut like the other, but the Stamp is a double Twelvepenny; the Form is also as the Common Bail; and need not be repeated; but you are to remember, as beforementioned, instead of John Doe and Richard Roe, the Bail must be House keepers, and the Addition made to the Defendant and his Bail, and must be put in before one of the Judges of the Court, (or before Commissioners in the Country for that Purpose appointed) for which you pay the Judge's Clerk in Term-time 45. in the Vacation 55. If your Bail is upon a Habeas Corpus, you in the Term pay 6 s. 6d. and in the Vacation 75.6d. The Form is the same,

t

C

U

m

fee

T

mo

the

me

an

De

res

Upon a Ha- only saying upon a Habeas Corpus, inbeas Corpus. Read

stead of upon a Cepi Corpus; and instead of at the Suit of A. B. you fay at the Suit of the Plaintiff in the Plaint. Bail in Rule to put in London and Middlesex must be put in within four Days after the Return of the Writ, and in the Country within fix-Days, or the Bail-Bond may be affigued,

and put in Suit.

ıt

1

1:

2-

10

e,

of

n-

nt

II

r,

6-

n.

d;

end

lo-

he be

he

in

nt

erk

ss.

215,

the

ne,

inead

The Defendant being in Court, that is, having filed or put in or Special or Common Bail, or being in Custody of the Marshal, or other Prison, the Plaintiff is to declare against him; and by the Statute of the 13th of Charles II. Stat. 13. C. 2. unless the Plaintiff put in his Bill or Declaration before the end of the next Term, a Non-Suit may be entered, and Non Pros. the Defendant shall have Judgment for Cost, (according to the 23d H. 8.) this Act not to extend to Writs of Capias Utlagatum, Attachment upon Rescous, Attachment of Privilege, or any Attachment of Contempt; the Form whereof fee after among the Judgments without Trial.

Where the Plaintiff affiles the Com- Page 7. 16. mon Bail, or enters the Appearance for the Defendant by the Rules aforementioned, No 1. in the King's Bench, and No 2. in the Common Pleas, the Declarations must be filed, or left in the respective Offices; and an English No-H tice

tice wrote in Secretary Hand, must be delivered to, or left at the last usual Place of Abode of the Defendant, and may be as follows.

A. B. against C. D.

Mr. Dangerfield,

Notice to a Defendant of a Declaration in the King's Banch.

You not affiling Common Bail, according to the Copy of the Writ lately served on you in this Cause, I have affiled the same for you, pursuant to the late Act of Parliament, and have left a Copy of a Declaration against you as of last Easter Term, in an Action of Debt for Six hundred Pounds upon Bond, in the Declaration-Office of the Court of King's Bench, which faid Action is prosecuted by the said Plaintiff A. B. And you are to take Notice, that unless you plead, or cause some Attorney to plead for you to Such Action within four Days after the beginning of next Trinity Term (being the Time limited by the Court for your Pleading) Judgment will be entered against you by Default.

I am

Tours, E. F.

-

n

th

fo

L

E

T

fh

of

De

Con Defe

and Writ

Scire

Attorney for the Plaintiff the Twenty-fourth of May, 1732. The The like Notice will ferve in the In the Com-Court of Common Pleas, only changing, mon Pleas. not affiling Common Bail; for not having entered an Appearance, and the Words in the Declaration-Office of the Court of King's Bench, for the respective Prothonotary's Office, wherein such Declaration is left; and in the Notice in other Cases, you must set forth the respective Counts and Sums of Money, &c.

I shall now set forth the Nature of the Declaration; and then give you some sew Precedents in the English Language, in a Statute of the 36th of Stat. 36 E. 3.

E. 3. "Tis declared that by the antient Terms and Forms of Pleaders, no Man shall be prejudiced, so that the Matter of the Action be fully shewed in the Declaration, and in the Writ.

Of the Declaration.

15

of

122

be id

71-

ce, ne on of

me 2g) vou

F.

the

z. The THE Declaration is the shewing in Writing of the Demand and Complaint of the Plaintiss against the Desendant; and for the most part it is and must be more spacious than the Writ (save that in Audita Querela and a Scire Facias, which are of the Nature

The Clerk's

of a Declaration, and by common Practice are all one) and must contain divers Matters;

The Parts of the DeclaraAs, who complaineth, and against whom, for what Matter?

How and in what manner the Action

accrued ?

The Time and Place the Wrong was

And what Damage was fustained

thereby.

Secondly, It must be clear, true and certain, because 'tis the Foundation of the Suit, and impeacheth the Defendant, and is that whereto he must answer, and upon which the Court must give Judgment. Vide Style's Prast. Register.

i

ñ

B

0

re

W

21

bi

th

m

in

th

it,

Insufficient in Form, is belped after a Verdit.

If a Declaration be defective in Matter of Form only, and the Defendant doth not take Exception to it, but pleads to Issue, and a Verdict is thereup on found for the Plaintiff, the Defendant cannot afterwards take Advantage of such Defect in the Declaration; for the Defect is helped by the Verdict, and the Statute of *Feofails*, of the 16th and 17th Car. 2. Cap. 2.

If in Sub-Rance, 'tis not belped.

But if the Declaration be insufficient in Matter of Substance, the Verdict will not help it; but the Defendant may take Advantage of the Insufficiency of it, after a Verdict by Motion in Arrest of Judgment, or by Writ of Error.

All Matters which lie in the Cognizance of the Court ought to be fet the Court. forth certainly in the Declaration; but tis not necessary to set forth certainly Matters of Fact which are triable by the Jury.

n

d

ld.

of

It,

nd

it-

nt

ut

p.

nt ot

he

nd

nd

ent

vill.

ay

0

it,

A Thing that is good and warrant- Things good in able to be put in a Writ, is good and fo in the Dewarrantable in a Declaration; for the claration. Declaration is grounded upon, and warranted by the Writ. Idem.

Declarations, which are grounded Declaration upon Original Writs, as all Declarations in the Court of Common Pleas are, if they be faulty, they cannot be amended.

But Declarations grounded upon a Amendable. Bill, as the Declarations in the Court of King's Bench are, are amendable, if they be faulty. Idem.

Yet if there be Words in the Decla- Words inferation which have no Signification, the nificant. Words shall be adjudged to be void, and shall not hurt the Declaration; but the Declaration shall be taken as if those Words were left out of it.

Saunders moved in Arrest of Judg-Bad Original. ment in Ejectment brought by Original in the King's Bench, upon a Fault in the Original; (for a bad Original is not H 3 helped

Matters in Cognizance of

Pull for the

No Original.

Rule for the Delivery of Declarations. helped by Verdict) but upon a Certificate that there was no Original, the Plaintiff had Judgment, tho' in his Declaration he had recited an Original.

Vide Modern Report 3.

And concerning the Delivery of Declarations, the following Rule was made by the Court of King's Bench in Trinity Term, in the fecond Year of his prefent Majesty King George the Second,

tl

tl

W

al

fc

h

fo

VE

de

ne

K

F

th

ar

W

A

fo

m

Ki

M

(to wit.)

It is Ordered, That in every Cause where Special or Common Bail shall be filed, and Notice thereof shall be given to the Attorney for the Plaintiff, a Copy of the Declaration shall be delivered to the Attorney for the Defendant, who shall pay for the same according to the usual Rate; but if the Attorney for the Defendant, or his Clerk in his Absence, refuses to pay for fuch Copy; or if it happens the Habitation of the Attorney for the Defendant, be unknown to the Attorney for the Plaintiff, then it shall be lawful to leave fuch Copy with the Officer of this Court appointed for affiling Declarations; and Notice thereof must forthwith be given to fuch Defendant, or his Attorney: And fuch Declaration shall be held well delivered, from the Time of fuch Notice only. Of

Of Trespass.

e

[e

11

e

ff,

6.

n-

C-

ne

is

ıy

10

e-

ey

of

2-

h-

is

all

nç

Of

As to the Precedents of Declara- The Nature tions, I shall begin with those in of Trespass. Trespass; first in the King's Bench, and then in the Common Pleas, which Method shall be observed throughout, giving previous to the Precedents fome short Account of the Nature of the Actions. Trespass then is a Wrong which is supposed to be done with Force and Arms, fometimes against the Perfon of the Man, and sometimes against his Property; as his Lands, Goods, &c. for which by this Action, he is to recover Damages according to the Wrong done him, and the Defendant by Strictness of Law is to pay a Fine to the King, (which is called the capiatur Fine, and is taken by the Secondary at the Time of his Taxing the Cost;) and the Writ always supposes the Wrong to be done with Force and Arms, and against the Peace, and so forth.

These Trespasses against the Person How divided may be divided into several Degrees or into-Kinds; as Menacing, Assault, Battery, Maim, and Imprisonment.

H 4

1. Me-

The Clerk's

is where any one theatens to do another Hurt or Damage.

doth unlawfully fet upon, and attempt

to beat another, but doth not.

3. Battery, which is when any one doth (actually) unlawfully beat another.

doth, by any violent Act, take from another the Use of his Limbs or Members, whereby he is rendered more unfat to serve himself and Country.

f

a

f

0 2

6

E

d

P

0

P

0

D

5. Imprisonment, which is when any one is restrained of his ordinary and lawful Liberty, that he cannot go about

his Business as at other Times.

Menacing.

But observe, as to Menacing, if any one do threaten me to my Face, or behind my Back, to kill or beat me, or lie in wait and watch so to do, insomuch that I dare not follow my Business, as at other Times, and I have any Loss by this, then I may have this Action for my Remedy—But if he threaten only to sue me for a just Debt, or the like; or if I have no special Loss, by the threatning, no Action will lie 18 Ed. 4. 28. 10 Ed. 4. 28. 7 Ed. 4. 24. 3 H. 6. 18.

-As for Affault, if another do Affault. unlawfully fet upon me, attempt to beat me, or frike at me, the he do not hit me, or hold up his Weapon to firike at me, being within Reach, thrust or push at me, or cast Stones at me, tho' he do not hit me; if he cast Drink in my Face, or upon my Cloaths, or the like, this Action will lie - But if one strikes at me at a great Distance, fo that he could neither hit me, or put me in Fear of being hit or fricken; or if one strike at me, hurl Stones at me, or do any fuch like Act as before, merrily or accidentally, and not purposely and feriously; in these Cases, and for these Gauses, it seems no Action will (or ought to) lie. Bro. Tref. 336. 7 Ed. 4. 26. 22 Aff. 60. Finch 29, 40.

As for Hurt, or Battery, if it Battery. be done against my Will, or by Accident, or by unavoidable Necessity, no Action will lie. Bro. Tres. 178, 294.

Hob. Pl. 176.

10

n

1-

n-

ny

nd

ut

ny

10

or fo-

osi-

iny

his he

ebt, ofs,

lie.

. 4

-As

deprive me of the Use of any of the principal Members of my Body; as my Hand, Leg, Fingers, Eye, Fore-Teeth, or the like, so that I am more unsit for publick Service, I may have this Action, or an Appeal of Maim, and recover Damages according to my Hurt—

but

but if the Hurt be small, only making a Deformity in the Body, in such Case this Action of Trespass, Assault and Battery, is the only Remedy. Finch 204.

Stamf. Lib. 1. Cap. 44.

buprifonment.

--- As to Imprisonment, a Man is faid to be unlawfully imprisoned, when either there is no good Caufe for his Imprisonment, or he that doth imprison him hath no good Authority to do it; or having good Authority, he doth not rightly purfue it, or Arrests at a forbidden Time, or in a forbidden Place, or the like. If a Man lay Hands upon me, and hold me in his Arms, or keep me in my own or another's House, tie me to a Tree or Post, put me in Prison or Stocks, or any other way restrain me of my Liberty against my Will; all these are Arrests and false Imprisonment. 43 Ed. 3. 20. Br. F. Impris-37, 10. 9 Co. 66, 69.

So if one, to whom I owe Money, or have done a Trespass, of his own Head, without any Writ, Imprison me till I pay him his Debt, or give him Satisfaction for the Trespass; or if a Man Imprison me till I pay him Money, enter into a Bond, or Statute, or make a Release, or the like, in all such Cases I may have Relief by this Action. F. N. B. 88. Old Book of Entries 587.

And

1

10

fo

fav

ar

fay

Te

fon

And yet where I am duly imprisoned, by some legal Warrant, in a false or seigned Action, or Suit, tho' no Money is really due, or tho' the Money formerly due is paid, or the like, in such Cases I may not have this Action.

As to Land, he that hath but a bare Land. Possession of it, may maintain this Action against him that hath no Right. Plow. 144, 431, 546. 3 H. 6. 32. Kelw.

163.

n

y

ſ.

or

d,

1

is-

an y,

ke

les

F.

nd

And he that hath but the Herbage, may have it for Wrong done to him in the Grass or Ground. Dyer 258.

5 H. 7. 10.

And Joint-Tenants must join for a foint-TeTrespass, done upon the Land they hold,
jointly. Old Book of Entries 557, 587.
Also the Trespass done against a Man's
Goods, may be said to be either against Goods.
those that are animate or inanimate: Distion diffeAnd here observe in the Declaration rent between
Living and
for those that are animate (Beasts) you Dead Things.
say, of the Price of; and for those that
are inanimate and dead Things, you
say, to the Value of; and so forth.

gainst a Man's Wife, Child, Servant, Tenant, or the like—or else unreasonable, as against his Horses, Cows, Sheep,

The Clerk's

Sheep, Beaft, Poultry, Fish, and the like.

2. Inanimate, as against his Land, Houses, Goods, Plate, Houshold-Stuff, Furniture, and the like.

Trespasses are done with or without Pre-

And these Trespasses are done, either with Pretence of Title, by which ten e of Title; the Property is altered, or without any and are, Pretence of Title.

t

ŀ d

b

(fe

0

2

V

ai

ta

th

th

th

C

it,

Ać

Local or Tranfitory.

They are likewise said to be local, that is, annexed to the Place where done; as Cutting of Trees and Grass, Digging of Ground, or the like; or elfe they are transitory, as the Beating of a Man, or his Wife, Carrying away his Goods, Spoiling of Writings, or the like. Finch 303, 198. Co. Inft. 1. 57. Cromp. Jur. 33. N. B. 48.

Who may sue, and be sted.

1.00

All Persons, Men, Women, and Children, not disabled to fue in any other Action, may, where 'tis proper, have this Action of Trespass for their Re-lief; also all Persons, Male or Female, Lunatick, Persons under Age, and others, that do any fuch Wrong, for which this Action lies, may be fued therein. See Dott. and Stud. Ch. 25. Hob. 126.

Principal and Accessary.

And not only he that doth the Wrong, but he that is Accessary to it, before or after, may be charged as Principal, by

C

•

re

ſs,

Or

t-

ng

35,

I.

il-

ot

ve

e-

e.

ge,

ng,

icd

25.

ng,

ore

al, by by this Action; as where one doth command, persuade, procure, or incite another to commit a Trespass, and especially if he is present at the committing thereof, or doth participate with it afterwards, is a Trespasser; and the Party grieved, may have this Action against them all, or any of them for it; and if many come to do a Trefpass, and they were all present when the Trespass was done, and some of them did only look on, yet they may be all charged as Trespassers, if they do not declare their Difassent thereto; but where some of them fall into the Company accidentally, it is otherwise, for they may not be fued. Hob. Ph. 69. Co. Lit. 57. N. H. 7. 15. Dyer 244. Bro. Tref. 113, 256. Dott. and Stud. 25. Parfon and

In London the Parson and Church-Church War-Wardens are a Corporation to purchase Corporation. and demise Lands. In other Places Church-Wardens are a Corporation to take care of the Goods of the Church, the Property whereof is in them; but they have nothing to do with the Lands; they cannot prescribe by the Name of Church-Wardens to have Lands, except

it be in London. Coke's Rep. 3.

The Church-Wardens must have this Church-War-Action for the Parish-Goods belonging dens.

The Clerk's

to the Church; but a Parishioner

(barely fo,) cannot.

Parfon.

And the Parson must have it, for a Wrong done to the Church, or Church-yard. Bro. Tres. 289. F. N. B. 90. 21 H. 7. 2.

Executors.

And Executors may have it for the Testator's Goods taken out of their

Possession. F. N. B. 92, 117.

Husband and Wife.

Also a Man and his Wife may have this Action together, for any the least Beating, or Imprisonment of the Wife; but if it be such a Beating as thereby he lose her Company, or Service, he alone may have it; so for any Hurt done to his Servant, whereby he loseth his Service. 3 Cro. 113. 5, 108. 10, 130. 20 H.7. 5. 16 H.7. 11. 22 Ass.

Mafter and Servant. And if a Servant do a Trespass by the Master's Command, both of them may be sued; but if the Servant do more than he is commanded, the Master shall be charged for no more than he did command, but the Servant for the whole. Dyer 365. 21 H.7.21.

The Servant only shall be liable for what he does on his own Head. 13 H.

7. 15. Kekw. 3.

See more for what this Action lies, in Survey of the Law, Townsend's Tables, and the Treatise concerning Trefpasses vi & Armis, and so forth.

Easter

to

h

Y

n

is

I

0

N

hi

fo

of

ar

OU

D

Po

Su

70

We

be:

Easter Term, in the Fifth Year of King George the Second.

r

f

y

e

t

h

٥,

ſ.

y

n

0

9-

ın

10

or

H.

es,

a-

ef-

er

London, to wit. John Clark com- (1.) plains of Thomas Tibbins in the Cuf- Upon an Aftody of the Marshal of the Marshalfey Sault and of our Lord the King before the King Battery. himself being, of that, that he on the Tenth Day of March, in the Fifth Year of the Reign of our Lord the now King, with Force and Arms, that is to fay, with Swords, Staffs, Fifts and Knives, in him the faid John at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, made an Assault, and him beat, wounded and evilly treated, so that his Life was greatly dispaired off; and other Enormities to him then and there he did, against the Peace of our faid Lord the now King, and to the Damage of him the faid John Ten Pounds, and thereupon he brings his Suit.

Johnson for the Plaintiff, TPledges, and Moor for the Defendant. S so forth.

Words—made an Assault, and him Upon an Assault, wounded, imprisoned and evilly sault, Battery, treated, and false Imprisonment.

treated, and him the said John, in Prison, without any rational Cause,
against the Will of him the said John,
and contrary to the Laws and Customs
of this Realm of England, for a great
Time, to wit, for the Space of sive
Days continued and kept; and other
Enormies to him——as above
to the End.

Upon an Affault, and Beating the Wife.

John Clark and Mary his Wife, complain of Thomas Tibbins, in the Custody of the Marshal of the Marshalfer of our Lord the King, before the King himself being, of that, that he on the first Day of October, in the Sixth Year of the Reign of our Lord the now King, with Force and Arms, at London aforefaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, on her the said Mary, made an Assault, and her the faid Mary then and there did beat, wound and evilly treat, fo that her Life was greatly dispaired of; and other Enormities to the faid Mary then and there he did, against the Peace of our faid Lord the now King, and to the Damage of them the faid John and Mary, Thirty Pounds, and thereupon they bring their Suit.

70hm

t

t

fi

0

d

fa

fa

fa

ha

H

bi

A

th

7,

15

at

er

30

0-

eg

ng ne

ar

g,

e-

nt rd

,

ry nd

as

or-

re

ge

7,

ey

1.11

John Clark complains of Thomas (4.) Tibbins — as aforesaid in No 1. to — For lying with with Force and Arms, in and upon Mary the Plaintiff's the Wife of the said John, at London a- Wife. foresaid, to wit, in the Parish of Saint Mary of the Arches in the Ward of Cheap, made an Affault, and her the faid Mary beat and evilly treated; and also the faid Mary took, carried away, ravished and carnally knew, and her from the said John for a great Time, to wit, for the Space of Five Months, against the Will of the faid John kept and detained, whereby the faid John the Comfort, Fellowship, Assistance and Aid of the faid Mary for the whole Time aforesaid lost, and was deprived of; and other Enormities to the faid Mary he did, to the great Damage of him the faid John, and against the Peace of our faid Lord the King; from whence the faid John fays that he is worsted, and hath Damage to the Value of Five Hundred Pounds: And thereupon he brings his Suit.

John Clark complains of—to (5.)
—with Force and Arms, in W.W. For an Assault the Servant of the said John, made an upon the Plant Assault, and him the said W. then and there did beat, wound and evilly treat, so that he about the lawful Business of I

1 5 to 15

the said John could not possibly attend. but that Bulines's remained undone; and the faid John the Service of his faid Servant from that Time to the Day of exhibiting this Bill, vainly confumed and lost; and other Enormities to the faid John he did against the Peaceas in No 1. to the End.

A

ca

W

br

an in

he w

de

of tie

CO

in The

the

the

fix

Ye

no Ho

rif

bre

Di

fai

lin

aw

of

in

ini

(6.)Close, and eating up and treading down a Continuance.

As above No 1. to the Words For breaking — with Force and Arms, the Close the Plaintiff's of the said John, called Kill-Close, at B. in the County aforefaid, broke and entred, and the Grafs of the faid Folin bis Grass with to the Value of One Hundred Shillings, there lately growing, with his Feet in walking he trod down and confumed, and also other Grass of the faid Tohn, to the Value of Fifty Shillings, in like Manner there growing, with certain Beafts, to wit, with Horses, Oxen, Cows, Hogs and Sheep, cat up, trod down and confumed (and continued the Trespass aforesaid, at divers Days and Times, as to the Eating up, Treading down and Confuming the Grafs aforefaid, with the aforefaid Beafts, from the faid first Day of May, in the Year aforefaid, until the first Day of July then next following) and other Enormities to him ____ as in No 1. to the End. - As

-As above --- with Force and (7.) Arms, - the Close of the faid John For breaking called the Market-Place at Tonbridge- the Plaintiff's Wells at Tonbridge in the said County, Market. broke and entred, and a Shed, a Stall, and a Standing of the faid John, being in and upon the Close of the faid John, he then and there held and detained, whereby the faid John loft, and was deprived of the Profit and Advantage of his faid Close; and other Enormities—as in No 1. to the End.

Kent, to wit. R.T. Gentleman, complains of W. L. W. H. and O. M. For feizing the in Custody of the Marshal of the Mar-Plaintiff's Shalfey of our Lord the King, before the of a Warthe King himself being, of that, that rant upon a they the faid W. L. W. H. and O. the (Latitat) Layfixth Day of Fanuary, in the Fifth Year of the Reign of our Lord the now King, with Force and Arms, the House of the said Richard, in the Parish of Speldhurst in the said County, broke and entred, and the Meat and Drink of the faid Richard being in the faid House, to the Value of Forty Shillings, they eat up, took and carried away, and all the Goods and Chattels of the faid Richard, that were found in his said House, they appraised and inventoried; and the Wood of the faid Richard, I 2

1

1

1

1

y -

0

s

Richard, to wit, one Cart-Load of Wood in his faid House being found, to the Value of Six Shillings, they used, and the Possession of his said House for the Space of fix Days then next following they kept, whereby the faid Richard the Use, Ease and Benefit of his faid House for that whole Time could not have; and other Enormities they did to him, against the Peace of the faid Lord the now King, and to the Damage of the faid Richard Two Hundred Pounds: And thereupon he brings his Suit.

a

I

b

e

0

D

P

S

Pa

fa

en

fa

th

to

th

for

fai

W

afo

Va

lik

(9.)For running the Defendant's Ship against the breaking it.

Middlesex, to wit. Jonathan R. the younger, complains of Martin D. in the Custody of the Marshal of the Marshalley of our Lord the King, before Plaintiff s, and the King himself being, of that, that he the faid Martin, the fixth Day of January, in the Sixth Year of the Reign of our Lord the now King, being the Pilot, Governor and Master of a Ship floating upon the River Thames, and having the Government and Care of the same in himself, in the Parish of Saint Dunstan's Stepney, in the said County of Middlesex, that Ship he so ill, carelefly, negligently and improvidently, contrary to the Duty of his Office, guided, governed, took Care of and of

d,

d,

10

W•

rd

id

ot

lid

iid

ge

cd

his

he

in

ar-

ore

at

of

ign

the

hip

ind

of

of

aid

fo vihis of and

and managed, that that Ship of the faid Martin upon the Ship of the faid Tonathan, then and there loaded with divers Goods and Merchandizes, being placed fecurely and fafely at Anchor, then and there fell upon, run against, and rushed upon the same, with so great Violence, that by reason thereof the Ship of the said Jonathan was broke, burst and tore; and that Ship was worsted, impaired, and totally spoiled, -and other Enormities—as in No 1. to the Damage of the faid Jonathan Fifty Pounds: And thereupon he brings his Suit.

-As in No 1. With Force and Arms, the House of the faid R. in the For forcibly Parish of Saint John Wapping, in the entring into faid County of Middle fex, broke and the Plaintiff's entered, and the Wooden Door of the faid R. to the Value of Three Pounds, then and there found he broke, cut, tore, and spoiled; and also of that, that he on the same Day and Year aforesaid, in the Parish aforesaid, in the faid County, the Wainscot, the Glass Windows and Walls of the House aforesaid of the said Richard, to the Value of another Three Pounds, in like Manner, then and there found, he

The Clerk's

broke and spoiled; and other Enormies, as in No 1, to the End.

- For taking and leading away the Plaintiff's Gelding.
- As above, with Force and Arms, a Gelding of the said (Plaintiff's) of the Price of Nine Pounds, at M. in the said County lately found, they took and led away; and other Enormities, as in N° 1. to the End.
- Upon an Asfault and breaking the Plaintiff's Windows.

Middlesex, to wit. G. H. complains of R.7. in the Custody of the Marshal of the Marshalley of our Lord the King, before the King himfelf being, of that, that he on the first Day of January, in the Fifth Year of the Reign of our faid Lord the now King, with Force and Arms, upon him the faid G. in the Parish of Saint Margaret Westminster, in the faid County of Middlesex, made an Assault, and him the said G. then and there did beat, wound, and evilly treat, fo that his Life was greatly despaired of; and the House of the said G. then and there broke, to wit, by various Ways and Means, in breaking the Windows of the fame House, to the Value of One Hundred Shillings; and other Enormitiesas in No 1. to the End.

n

ir

fo

th

W

fi m of

- As above, to the Words -13.) with Force and Arms, the Close of the For breaking faid G. called Stadefield at Croydon in the Plaintiff's the said County of Surry, broke and digging up the entred, and One hundred Cart-Loads of Earth. the Earth of the faid Close, and One hundred Cart-Loads of the Ground of the faid G. to the Value of One hundred Shillings, then and there found, he dug up; took, broke, spoiled and carried away, and other Enormities, as in No 1. to the End.

-He broke and entered, and in In another his Ground, to wit, on the Half of one Acre of the Land of the faid G. he

then and there dug, and the Earth thereof throwed out, to wit, One hundred Loads of Earth, to the Value of

One hundred Shillings, he took, conveyed and carried away; and other E-

normities ___ as above.

ıd s)

in

r-

ns

r-

d 0-

ly

16

ne

9-

of

m

t,

15 10

re

id.

10

1-

45

R. G. complains of T. H. and 7. H. (14.) in the Custody of the Marshal of the Upon an As-Marshalley of our Lord the King, be- fault and breaking the fore the King himself being, of that, Plaintiff's that they (on such a Day and Year) Close, treadwith Force and Arms, and fo forth (at Grafs, and such a Place) in him the said Richard, carrying away made an Affault (as in No 1.) And also of that, that they the faid Thomas and Fohn I 4

6

8

0

ti

in (c

ar

at

th ar ar

de

0

W

an

th

wi

Sai

John, the same Day and Year, the Close of the faid Richard, called (the) at F. aforesaid, in the County aforesaid, broke and entered, and the Grass of the said Richard, to the Value of Forty Shillings, then and there growing, with their Feet in walking they trod down and confumed, and other Grass and Corn, to wit, Wheat, Corn, Barley, Beans, Peafe and Oats, of the faid Richard, to the Value of One hundred Shillings, then and there in like Manner lately growing, with certain Beafts, to wit, with Horses, Mares, Oxen, Cows, Hogs, Geldings, and with Sheep, eat up, trod down and confumed; and the Goods and Chattels, to wit, Twenty Bundles of Corn, and Twenty Bundles of Maslyn Corn of the faid Richard, to the Value of Fifty Shillings, then and there found, they took and carried away; and other Enormities—as in No 1. to the End.

(15.)
Upon an Affailt on an Attorney, and for breaking bis develling House.

Southampton, to wit. M. J. Gentleman, one of the Attornies of the Court of our Lord the King, before the King himself, being present here in Court in his own proper Person, complains of J. S. in Custody of the Marshalfey of our Lord the King, before the King himself being,

C

10 ty

10

10

re

ng nd

at,

ts,

of

in

eres,

nd

nd

els,

ind

the

fty

ney

E-

id.

en-

the' ore

e in

m-

ar-

the

ing,

ot

of that, that he (on fuch a Day, and Year) with Force and Arms, the Manfion-House of the said M. in the City of Winchester, in the faid County, broke and entered, and him the faid M. then and there beat, wounded, as in No 1. to the End.

The Plaintiff in his proper Person. Moor for the Defendant.

(John Doe Pledges of profecuting and (Richard Roe.

Surry, to wit. John B. complains (16.) of James S. in the Custody of the For breaking Marshal of the Marshalley of our Lord the Plaintiff's the King, before the King himself be- Garden, subing, of that, that he the faid James Earth, and (on fuch a Day and Year) with Force scratching up and Arms, the Garden of the faid John the Gravel Walks. at Rotherhith, otherwise Redriff, in the faid County, broke and entered, and the Ground of the faid Garden. and the Gravel-Walks of the same Garden of the faid John, with one Horse, One Mare, One Gelding, Dogs, and with Hens, he trod down, subverted and scratch'd up. And also of that, that he the said James, afterwards, to wit, on the faid eighteenth Day of the aid Month of March, in the said Fifth Year

Year of the Reign of our said Lord George the Second, with Force and Arms aforesaid, the Garden of the said John at Rotherhith, otherwise Redriff aforesaid, in the said County, he again broke, and entered, and other Ground of the said Garden, and another Gravelwalk of the said Garden of the said John, with One Horse, One Mare, One Gelding, Dogs and Hens, he trod down, subverted and scratched up; and other Enormities, as in N° 1. to the End.

ſ

1

8

B

as

01

ta

in

th

to

m

pla

Ma

the

ing.

afo

and

feffe

Swe

Lan

Pari

or

om

(17.)
For entring the Plaintiff's Fisheries, and taking his Fish.

Essex, to wit. E.P. W.K. W.C. and W.G. complain of J.R. in the Custody of the Marshal of the Marshalfey of our Lord the King, before the King himself being, of that, that he the faid (Defendant) on the first Day of April, in the First Year of the Reign of our Lord George the Second, now King of Great Britain, with Force and Arms, in the feveral Fisheries of the faid (Plaintiff's) within the Manor of Burnham, in the faid County of Effex, entered and fished, and his Fishes, to wit, five Hundred Bushels of Oysters, One thousand Soles, One thousand Flounders, One thousand Plaice, One hundred Mullets, and Two hundred Thornbacks, to the Value of Forty Pounds, of the faid (Plaintiff's) out of the

the Fisheries aforesaid he then and there took and carried away; And also of that, that he the faid Defendant, on the Second Day of April, in the faid Year, with Force and Arms, entered and fished in the several Fisheries of the faid (Plaintiff's) within the Manor of Burnham aforefaid, in the faid County, and his Fishes, to wit, Five hundred Bushels of Oysters (naming the Fishes as above) to the Value of Thirty Pounds, out of the Fisheries aforesaid, in a certain Place called the Reysands, otherwife Raysands, and from thence extending to a Place called Clayclods, within the Manor of Burnham aforesaid, he took and carried away; and other Enormities, as in No 1. to the End.

d

0

1

ne

177

re

at rft

he

nd,

ce

of

101

Ef

les,

ers,

and

)ne

red

rty

t of

the

Surrey, to wit. Thomas W. com- (18.) plains of Thomas C. in Custody of the For breaking a Marshal of the Marshalfey of our Lord Pound, and the King, before the King himself be- taking away ing, for that, to wit, that whereas the out paying the aforesaid Thomas W. (on such a Day Damage. and Year) was possessed, and yet is posseffed of, and in a certain Close called Sweethill, containing Eleven Acres of Land, situate, lying and being in the Parish of Croydon in the said County, or a certain Term then and yet to ome; and being so possessed, a certain Cow

a Cow with-

The Clerk's

Cow of the aforesaid T. C. the same Day and Year aforesaid, was in the Close of the faid T. W. aforefaid, eating up the Grass and Corn of the said T. W. there then growing, and there doing Damage to the faid T.W. and being there fo eating up and doing Damage to the faid T.W. the faid T.W. then and there the faid Cow, for his Remedy in the Premisses aforesaid, took and distrained; and that Cow for the Damage to the faid T.W. fo done in his faid Close by the aforesaid Cow, in the Parish aforesaid, in the said County, in a common and open Pound, called Hailing Pound, according to the Law and Custom of this Realm of England, he impounded. Nevertheless the faid T.C. contriving and maliciously intending him the faid T. W. of his Remedy for obtaining of his Damages sustained by the Occasion aforesaid, totally to frustrate and hinder, afterwards, to wit, the said Day and Year, in the Parish aforefaid, in the County aforefaid, with Force and Arms, broke and entered the faid Pound, in which the faid Cow was fo impounded, and the faid Cow fo as aforesaid by the said T.W. for the Reafon aforesaid, in the said Pound im pounded, then and there out of that Pound, he took and led away, fo that the

a

fi

R

n

F

th

en

of to

the

out

wh

his

afor

and

ther

Soil

Valu they the faid T. W. by that Means is totally disappointed of his said Remedy for obtaining Satisfaction for the Damages aforefaid fo done by the faid Cow, to the Damage of the faid T. W. ten Pounds: And thereupon he brings his Suit.

e

d

}-

1

nd

he

C.

ng

or

by

ru-

vit,

ish

ith

the

was

as

ea-

im hat

that

the

Suffex, to wit. J. G. Clerk, com- By the Miniplains of N. H. J. K. and J. T. in the feer for break-Custody of the Marshal of the Marshalfey of our Lord the King, before the King himself being, of that, That they the aforesaid N. H. J R. and J. T. on the first Day of May, in the fifth Year of the Reign of our Lord George the Second, now King of Great Britain, with Force and Arms the House of him the faid 7. G. called the Church at S. in the County aforesaid, broke and entered, and him from the Possession of his aforesaid House for a great Time, to wit, for the Space of fix Weeks from thence next following, detained and kept out; by which the same J. G. the whole Use, Benefit and Advantage of his aforefaid House, for the whole Time aforesaid lost and was deprived of; and the Ground of him the said J. G. there, to wit, five Loads of the Soil of him the said 7. G. of the Value of forty Shillings, then and there they dug, took, and carried away;

ing the Church.

The Cleth's

F

of

or In

h

ioi Má

he f

he

ou

QV

in

nd

tav

he

uai

rin Te.

Mi

estm

isat

Plea.

n tl

lauli

lly t

ired

Suffex,

And also bis Dwelling House.

ter decan-

The Course.

and the Bricks of him the faid J. G. to wit, five Loads of Bricks of him the faid 7. G. of the Value of another forty Shillings, there lately found, they took, conveyed, and carried away; and also of that, That they the aforesaid N. H. J. R. and J. T. afterwards, to wit, the same first Day of May, in the fifth Year abovefaid, with Force and Arms, the House of him the faid 7. G. called the Dwelling House at S. aforefaid, in the County aforefaid, broke, and the Windows of the faid House, to wit, five hundred Squares of Glass, Parcel of the aforefaid Windows, to the Value of one hundred Shillings, then and there Broke and Spoiled: And alfo of that, That they the aforesaid N. H. J. R. and J. T. afterwards, to wit, the same first Day of May, in the abovefaid fifth Year of the Reign of our faid Lord the now King, at S. aforefaid, in And for taking the County aforefaid, one Elm-Tree of him the faid J. G. of the Value of five Pounds, there lately growing, cut, took, and carried away, and other Enormities to him the faid J. G. then and there they did against the Peace of our faid Lord the now King, and to the Damage of him the said J. G. one hundred Pounds: And thereupon he brings his Suit.

away an Elm-Tree.

(20.)

Suffex, to wit. A. G. by H. G. his Father, who is admitted by the Court An Infant proof our Lord the King at Westminster to secutes by his next Friend, prosecute for the same A. who is with- for an Assault. n the Age of one and twenty Years, as the next Friend of him the faid A. complains of N. K. in the Custody of the Marshal of the Marshalfey of our Lord he King before the King himself being, if that, That he the aforesaid N. on he thirteenth Day of October, in the ourth Year of the Reign of our faid overeign Lord George the Second, now ing of Great Britain, with Force, nd Arms, that is to fay, with Swords, taves, Clubs, and Knives, upon him ie faid A. at -- and fo on as see No. 1.

rands: And thereupo rinity Term in the fifth and sixth Years of King George the Second.

In the Common Pleas.

0

s,

d

id

it,

e-

id in

of of

ut,

her

G.

ace l to one

he

Tex,

Middlesex, to wit. Richard S. late of fiminfter, in the faid County, Yeoman, Upon an Afis attached to answer to George T. of fault. Plea, why with Force and Arms in the faid G. at W. he made an fault, and him beat, wounded, and lly treated, so that his Life was dewed of, and other Enormities to him

he

Alasha is

he did, to the great Damage of him the faid G. and against the Peace of our Lord the now King, his Crown and Dignity. And whereupon the fame G. by J. H. his Attorney, complain that the faid R. the tenth Day of August in the fixth Year of the Reign of our faid Lord the now King, with Force and Arms, to wit, with Swords, Staves Fists and Knives, in him the said G. at W. he made an Asiault, and him beat, wounded and evilly treated, so that of his Life he despaired; and other Enormities to him then and there he did, w the great Damage of him the fail R. and against the Peace of our sail Lord the now King, his Crown and Dignity, from whence he faith that he is worsted, and hath Damage to the Value of ten Pounds: And thereupon he brings his Suit.

t

aj

re

ed

CO

th

mi

ma

ma

ed,

evil fon our

for a

of fe miti

so th

a Vio

lue poile

him,

Imparlance to three Weeks after the Feast of Saint Michael.

(2.)
Upon an Affault and Imprisonment.

As in the next above, N°. to the Words—made an Assault, as him beat, wounded, and imprison and him so in Prison for a long Time detained, and other Enormities to his he did, to the great Damage of the said G.— (as in N°. 1. again to make

m of

m

ae

ns

A

ur

es

at

at

of

101-

to

Caid Caid

and

t he

the

1000

20

oned

l'in

) his

f th

72 to

11180

made an Assault, and him beat, wounded, and imprisoned, and him so in Prison for a long Time, to wit, from the said tenth Day of August, in the sixth Year aforesaid, for the Space of one Day then next following detained, and other Enormities, as in No. 1. And thereupon he brings his Suit.

-As in No. 1. made an Affault, in another and him beat, wounded, took, arrefled, imprisoned, and evilly treated; And him there fo in Prison contrary to the Law and Custom of this Realm of our Lord the King for a long Time detained, and other Enormities he did to him, to the great Damage of the faid G. (as in No. 1. to) made an Assault, and him beat, wounded, took, arrested, imprisoned, and evilly treated, and him there fo in Prifon contrary the Law and Custom of our Lord the King of Great Britain for a long Time, to wit, for the Space of seven Days detained, and other Enormities, as in No 1. to the End.

As in N°. 1. to the Words — (3.) so that his Life was despaired of: And Upon an Afault, and Violin of him the said G. to the Va-breaking a lue of forty Shillings, he broke and Violin spoiled, and other Enormities he did to him, (as in N°. 1.) so that he despaired

K

of his Life, and a Violin of him the faid G. to the Value of forty Shillings he broke and spoiled, and other Enormities, as in No. 1. to the End.

For taking and heading away the Plaintiff's Dog.

he with Force and Arms a Setting Dog of him the said G. of the Price of ten Pounds at W. found, took, and without any reasonable Cause, led away, and other Enormities—(as in N° 1.) with Force and Arms a Setting Dog of him the said G. of the Price of ten Pounds at W. found, took, and without any reasonable Cause, led away; and other Enormities—as in N° 1. to the End.

For breaking and spoiling the Plaintiff's Hop poles.

Kent, to wit, J. P. late of West Peckham in the said County Husband man, was attached to answer to P. J. of a Plea why he with Force and Arms the Close of the said P. at W. P. aforesaid, broke, and his Wood, to the Value of forty Shillings, there lately found, took and carried away, and other Enormities he did to him, to the great Damage of the faid P. and against the Peace of our Lord the now King, his Crown and Dignity. And where upon the faid P. by R. T. his Attorney, complains that the faid 7. on the twentieth Day of April, in the fixth Year of the Reign of our Lord the t

n

tl

hi

h

D

di

hi

a W.

in

the

ou

the

and

too

ties

wh

of.

Rei

W.

cert

S

I

ge

en

ut nd

m at

29net

d.

Teft

nd-

7. ms

P.

the ely

and the

inst

ing,

ere. tor

the

ixth

the

now

now King, with Force and Arms, the Close of the faid P. called Longwood, at W. P. aforesaid broke, and his Wood, to wit, one Cart-Load of Wood, and ten Pieces of other Wood, called Hoppoles, to the Value of forty Shillings, there lately found, he took and carried away; and other Enormities to him he then and there did, to the great Damage of him the faid P. and against the Peace of our faid Lord the King, his Crown and Dignity: Whereupon he faith that he is worsted, and hath Damage to the Value of one hundred Shillings: And thereupon he brings his Suit.

- As before to the Words - Of (6.) 2 Plea why whereas the faid P. at For breaking a W. P. aforesaid, took a certain Mare Pound, and taking away s in Damage, and her according to Mare without the Law and Custom of this Realm of paying the Daour Lord the King there impounded, was impoundthe aforesaid 7. that Pound with Force of forand Arms broke, and the faid Mare took and led away, and other Enormities, (as in No. 1.) complains, that whereas the said P. on the first Day of November, in the second Year of the Reign of our faid Lord the King at W. P. aforesaid, took the said Mare of he said P. in Damage, to wit, in a certain Field called Collier's Mead, and her K 2

her according to the Law and Custom of the Kingdom of our Lord the King of Great Britain, there impounded. The said J. on the said first Day of November, in the said second Year, with Force and Arms, to wit, with Swords, Staves, and Knives, that Pound there broke, and took and led away the said Mare; and other Enormities. And so on as in No. 1.

I

t

tl

12

F

fo

m

of

T

Fo

the

at

fon

anc

to

dor

Bri

mit

grea

agai

King

7.

they

first !

of t

In another

Manner for a

Horse,

talkilis and k

with that was read

est today system

-Literary

faid P. a certain Horse doing Damage in his Ground at W. P. lawfully took and distrained, and in his Pound, according to the Law and Custom of this Realm of our Lord the King, there impounded. The faid J. with Force and Arms the faid Pound there broks, and the aforesaid Horse took and led away, and the Gate of the Pound afore faid, and a certain Chain thereto lately fixed, and the Hedges and Fences of him the faid P. to the Value of forty Shillings, there he cut down, broke and destroyed; And other Enormities, (as in No. 1.) complains, that whereas the faid P. on the first Day of Novem ber, in the fecond Year of our faid Low the now King, at W. P. aforefaid, certain Horse, doing Damage in his Ground, to wit, in a certain Close called Colliers's Mead of the faid ? awful

lawfully took and distrained, and in his Pound, according to the Law and Custom of our Lord the now King of Great Britain, there impounded; the faid 7. with Force and Arms the faid Pound there broke, and the faid Horse took and led away, and the Gate of the faid Pound, and a certain Chain lately fixed thereto, and the Hedges and Fences of the faid P. to the Value of forty Shillings, he there cut down, broke, and destroyed: And other Enormities -- as in No. 1. to the End.

f

h

S

id

ok

achis

ere

rce

led

ore-

tely

of

orty

oke

ties,

reas

UE111

Lord

d, 1

1 his

Close

d P

wful

R. R. late of — and T. S. late of — were Attached to answer to For Impound-Thomas T. of a Plea why they with tiff's Cattle. Force and Arms the Cattle of him the faid T. of the Price of ten Pounds at A. lately found, without any reafonable Cause took and impounded, and them there so impounded, contrary to the Law and Custom of the Kingdom of our Lord the now King of Great Britain, detained; and other Engrmities they brought upon him, to the great Damage of him the faid T. and against the Peace of our Lord the now King. And whereupon the faid T. by J. H. his Attorney, complains, that they the aforesaid R. and T. S. on the first Day of October, in the second Year of the Reign of our Lord the now King,

King, with Force and Arms, the Cattle to wit, fix Cows of him the faid T. of the Price of fix Pounds, at A. aforefaid, then found, without any reasonable Cause took and impounded, and them there so impounded, contrary to the Law and Custom of the Kingdom of our faid Lord the now King of Great Britain, for a long Time, to wit, for the Space of two Days detained; and other Enormities to him then and there they did, to the great Damage of him the faid T. T. and against the Peace of our faid Lord the King, his Crown and Dignity, Whereupon he faith, that he is worsted, and hath Damage to the Value of ten Pounds: And thereupon he brings his Suit.

0 0

ir C

b

th

A

7

do

of

W

R

08 at

ref

072

he

anc

A.

the

the

eat

a]

the

afor

Harfe which the Plaintiff avas going to Pound,

(8.) Richard R. late of—was Attached For rescuing a to answer to Thomas T. of a Plea why whereas the same Thomas one Horse in certain Lands of him the faid Thomas, called Collier's Mead, doing Damage by John S. his Servant, for the Damage there so done at A. caused to be taken, and the same Thomas by the aforesaid 7. S. that Horse for that Damage so done, according to the Law and Custom of this Realm of our Lord the King, there would have impounded; the aforefaid R. with Force and Arms that Horse rescued; and other Enormities 80

he did to him, to the great Damage of him the faid Thomas, and against the Peace of our faid Lord the now King. And whereupon the fame Thomas, by 7. H. his Attorney complains why whereas the same Thomas, on the first Day of Ottober, in the second Year of the Reign of our Lord the now King, one Horse in certain Lands of him the faid Thomas, called C - M - doing Damage by 7. S. his Servant, for the Damage there done at A. caused to be taken. And the same Thomas by the aforesaid 7. S. that Horse for that Damage so done, according to the Law and Custom of this Realm of our Lord the King, would have impounded, the aforefaid R. that Horse the same first Day of Ottober, in the abovefaid fecond Year at A. aforesaid with Force and Arms rescued, and other Enormities; and so on as in No. 1. to the End.

0

11

72,

of

j-

to

T.

rd

d,

en

nis

led

hy

111 as,

age

age

cn, aid

fo

om

ng,

ore-

hat

ties

ho

- As before - of a Plea why he with Force and Arms the House For treading and Closes of him the said Thomas at down, and feeding in the A. aforesaid broke, and his Grass, to Plaint ff's the Value of one hundred Shillings, Closes, and taking away there lately growing, with certain Beasts, a Ram. eat up, trod down, and confumed; and a Ram of him the faid Thomas, of the Price of twenty Shillings, at A. aforesaid, lately found, took, and led away;

away; and other Enormities he did to him (as before) complains that the aforefaid R. on the first Day of October, in the fecond Year of the Reign of our Lord the now King with Force and Arms, the House and Closes of him the said Thomas, to wit, one Close called G. and one other Close called C. M. at A. aforesaid broke, and his Grass, to the Value of one hundred Shillings, there lately growing, with certain Beasts, to wit, with Horses, Oxen, Cows, Hogs and Sheep, he eat up, trod down, and confumed; and a Ram of him the faid Thomas, of the Price of twenty Shillings, at A. aforefaid, lately found, took and led away:
And other Enormities — as in No. 1. to the End.

(10.) For retaining W.fc.

to had grided

MARCH N

What I

- Of a Plea why he with Force and Arms in E. the Wife of him the the Plaintiff's faid T. at London, made an Assault, and her beat, wounded, evilly treated, and led away, by which Means the fame Thomas, the Comfort and Happiness of this Wife aforesaid, and the Advice and Assistance of her the said B. in his domestick Affairs for a great Time loft; and other Enormities to him he did (as before) complains that the aforesaid R. on the first Day of October, in the second Year of the Reign of our Lord the

now

a

b

0

N

0

tl

C

li

a

u

n

0

e

m se se

b

zis

th

at

8 the rey:

173

TCB

the ult,

ted, the

ppi-

the IE.

ime

did

faid

e fe-

1 the

now

now King with Force and Arms, to wit. with Swords, Staves and Knives, in E. the Wife of him the faid T. at London aforesaid, in the Parish of St. Mary of the Arches, in the Ward of Cheape, made an Assault, and her beat, wounded, evilly treated, and led away, by which Means the same Thomas the Comfort and Happiness of his Wife aforesaid, and the Advice of her the faid E. in his domestick Affairs for a long Time, to wit, for the Space of two Months loft; and other Enormities, and so on as in No 1. to the End.

Of Ejectment.

I Jectment is become the most usual The Nature L Action for the Trial of Titles, and fupplies the Place of many real Actions; and is the usual Way whereby Men obtain the Possession of Lands or Tenements (detained from them) wherein or whereto they have a Right or Title; and it is now made more easy than formerly, there being now no Occasion for a Lease to be made and delivered upon the Premisses to the Lesseo, and Ouster and Ejectment; but the usual Course is to feign a Lease, making the Lessee the Plaintiff against a Ca-

Tenant.

The Method of a Gasual Ejector also feigned, the De proceeding is to fendant in the Declaration, and to deelaration to the liver a Copy of fuch Declaration to the Tenant in Poffession, or to his Wife, with a Subscription there-under written. as you will observe after, giving him Notice in the Defendant's Name to appear, and defend his Title, if he has any, or that he the Defendant will fuffer Judgment against him by Default, whereby the Tenant will be evicted of his Possession.

How to proceed where there is no Tenant.

And if there be no Tenant in Pof fession, this Declaration being fixed on the Door of any Messuage, or notorious Place of the Land, shall be deemed good Service, by an Act passed in the fourth Year of his present Majesty King George the Second, for the more effectual preventing Frauds committed by Tenants, and for the more eafy Recovery of Rents, and Renewal of Leafes; which being an ufeful Law between Landlord and Tenant, is proper in this Place, and is therefore here abstracted, as follows, to wit,-

Stainte 4 G. 2.

Abfratt of the Enacted, That in case any Tenant for Life, or any Term of Years, or other Person coming into the Possession of Lands or Tenements by Collusion with fuch Tenant, shall wilfully hold over any Lands or Tenements after the Determination of fuch Term or Terms,

and

F

П

W

0

O

P

de

th

no

the

E

Re

Le

COV

tion

Co

fix

be

Eq

and after Demand made, or Notice in Writing given, for delivering the Poffession thereof by the Landlord, or Lessor, the Person so holding over shall pay double the yearly Value, and the Defendant in such Action shall give Special Bail, and have no Relief in

Equity.

)-

d

W

0-

or

er

of

th

er

e-

15,

nd

In all Cases between Landlord and Tenant, after the twenty-fourth of June, one thousand seven hundred and thirty-one, when Half a Year's Rent shall be in Arrear, the Landlord, having a lawful Right to re-enter for Non-payment, may ferve a Declaration in Ejectment, without a formal Demand or Re-entry, or affix fuch Declaration on the Door of any demised Messuage, or notorious Place of the Lands, which shall be deemed a legal Service; and on Proof that half a Year's Rent was due before the faid Declaration was ferved, and no fufficient Distress on the Premisses, the Lessor shall recover Judgment and Execution as fully as in case a formal Re-entry had been made; and if the Lessee shall suffer Judgment to be recovered on fuch Ejectment and Execution, without paying the Arrears and Costs, and without filing a Bill within fix Months after Execution, he shall be barred from all Relief in Law or Equity, other than by Writ of Error,

and the Lessor shall hold the demised Premisses as discharged from such Lease: But not to bar the Right of any Mortgagee, provided he pay all Rent in Arrear, and Costs, within six Months after Judgment obtained, and perform all the Covenants of the Lessee.

If a Lessee shall, within the Time aforefaid, file a Bill for Relief in Equity, no Injunction is to be granted, unless he, within forty Days after an Answer filed by the Lessor, shall depofit in Court the whole Rent in Arrear. besides Costs, subject to the Decree of the Court; and if the Lessor shall actually enter into the Possession of the demised Premisses; and the Lessee on filing a Bill within the Time limited, obtain a Decree in his Favour, the Leffor is to be accountable only for the Profits really made of the Premisses during his Possession thereof, and the Lessee is to pay to the Lessor so much Money as that fell short of the whole Rent in Arrear, before he be restored to his former Possession.

But if the Tenant, before the Trial, will either tender to the Lessor, or bring into Court, the Rent in Arrear, together with Costs, all further Proceedings shall cease; and if the Lessee

he

1

I

1

n

C

a

f

fh

ve

in

inging I sd I

big Airpens

be relieved in Equity, he shall enjoy the demised Premisses, according to the Lease thereof, without obtaining a new one.

All Persons, Bodies Politick and Corporate, may have the like Remedy by Distress and Sale, in cases of Rent-seck; Rents of Assize, and chief Rents, which have been duly paid for three Years, within twenty Years before the first Day of this Parliament, or shall be hereafter created, as in case of Rent

reserved upon Lease.

f

e

n

e

es

10

h

le

ed

ıl,

10

ır,

0-

ec

be

If any Lease shall be duly surrendred, in order to be renewed, and a new Lease granted by the chief Landlord, it shall be as good and valid, as if all the Under-Leases had been likewife furrendred, before the Taking fuch new Leafe; and all Perfons vested therewith, shall be intitled to the Rents, and have the like Remedy for the Recovery thereof, and the Under-Lessees are to enjoy the demised Premisses as fully, as if the original Leases had been still continued; and the chief Landlord shall have the same Remedy for recovering his Rent, as he would have had, in case the respective Under-Leases had been renewed under fuch new principal Leafe.

This Act not to extend to Scotland.

The Tenant may appear by bis Attorney.

To the Declaration in Ejectment the Tenant may appear by his Attorney, and consent to a Rule to be made Defendant in the flead of the casual Ejector, that is the feigned Defendant, and to confess the Lease, Entry, and Ouster, and at the Trial to stand upon the Title only; also upon Motion the Court will give leave for any one else claiming Title to be made Defendant jointly with the Tenant; but if the Tenant does not appear in due Time upon an Affidavit of Service of the Declaration, the Court will upon Motion order Judgment against the casual Ejector, which being figned, a Writ of Possession will be awarded, directed to the Sheriff of the County, commanding him to give the Possession to the Plaintiff or his Leffor.

b

a

П

n

fig

th

T

fo

ple

fai

int

the pol wa

08

wit mer

nan

him

and afor

not and

Michaelmas Term, in the Sixth Year of King George the Second.

Declaration in Ejostment.

surry, to wit. Roger Philips complains of Rice Cork, in the Custody of the Marshal of the Marshalfey of our Lord the King, before the King himself being, for that, to wit, that where as one John L. Gentleman, on the first Day of Ottober, in the fixth Year of the Reign of our Lord George the Second,

Second, now King of Great Britain, at the Parish of Croydon, in the County aforefaid, had demised, granted, and to Farm let to the same Roger, three Meffuages, two Cottages, two Gardens, five Acres of Land, five Acres of Meadow, and five Acres of Pasture, with their Appurtenances, fituate, lying and being in the faid Parish in the County aforesaid, to have and to hold the Tenements aforefaid, with their Appurtenances, to the same Roger and his Affigns, from the last Day of September then last past, until the full End and Term of five Years, from thence next following, and fully should be compleat and ended; by Virtue of which faid Demise the same Roger entered into the Tenements aforefaid, with their Appurtenances, and was thereof possessed, until the aforesaid Rice afterwards, to wit, the same first Day of October, in the Sixth Year abovefaid. with Force and Arms, into the Tenements aforesaid, with their Appurtenances, in and upon the Possession of him the faid Roger, thereof entered, and him the said Roger from his Farm aforesaid, his Term aforesaid thereof not being yet ended, ejected, expelled and removed, and him the faid Roger fo

n

h

11

of

ve

is

11

m.

of

out

m-

ere-

the

ear

nd,

The Clerk's

fo being ejected, expelled and removed from his Possession thereof, hath held, and as yet doth hold; and other Enormities to him he then and there did, against the Peace of our said Lord the now King, and to the Damage of him the said Roger, Twenty Pounds: And thereupon he brings this Suit.

T

 L_0

of

fan fwe

witl hre

Drc

of .

One

ure.

lerw

he]

fore

nan

nisec

lso i

be u

aris

fores

Brown for the Plaintiff, Turoyle for the Defendant.

Pledges of profecuting and Richard Ros.

John Trulove,

Notice to the Tenant.

I am informed that you are in Possession, or claim Title to the Premisses in this Declaration of Ejectment
mentioned, or to some Part thereof;
and I being sued in this Action as a
casual Ejector, and having no Claim of
Title to the same, do advise you to appear the next Hillary Term in his Majesty's Court of King's Bench at Westminster, by some Attorney of that Court,
and then and there by Rule of the same
Court, to cause your self to be made
Defendant in my Stead; otherwise I

shall suffer Judgment therein to be entered against me, and you will be turned out of Polefion. I am,

Your Loving Friend,

Rice Cork.

The first Day of January, One Thousand seven Hundred, Thirty and Two.

e n

d

De.

of-

76-

ent

of;

SA

2 01

ap

Ma-

Test-

wrt,

ame

nade

ife. I

Ball

Salop, to wit. Edward B. late of On a double London, Gentleman, Alexander T. late viginal in the and Richard 7. late of the King's Bench, of same, Yeoman, were attached to an-being the Isua wer to Edward W. of a Plea, why with Force and Arms they entered into hree Messuages, four Gardens, four Orchards, One hundred and fifty Acres of Land, eighty Acres of Meadow, One hundred and thirty Acres of Pafure, and fifty Acres of Wood and Unerwood, with their Appurtenances, in he Parish of Westbury in the County forefaid, which Charles P. Gentlenan to the same Edward W. had denised for a Term not yet passed; and lo into three other Messuages (insert he whole Parcels over again) in the arish of W. aforesaid, in the County foresaid, which Michael G. and Edmund

The Clerk's

i

t

U

n

tl

al

th

ot an

tic

th

WA

mi

pai

Te

me

wh

Ea in 1

Te

tere

fior

oth

ther

the

of c

mund M. Gentlemen to the same Edward W. had demised for a Term not yet passed, and ejected him the said Edward W. from his Farm aforesaid; and other Enormities to him they did, to the great Damage of him the faid Edward W. and against the Peace of our Lord the now King. And whereupon the same Edward W. by Thomas & his Attorney, complains, that whereas the aforesaid Charles P. on the third Day of October, in the fixth Year of the Reign of our Lord the now King, at the aforelaid Parish of W. in the County aforesaid, had demised to the fame Edward W. the Tenements afore faid, in the aforesaid Writ first above mentioned, with their Appurtenances, to have and occupy the same Tenements with the Appurtenances, to the fame Edward W. and his Affigns, from the thirtieth Day of September then last past, until the full End and Term of ten Years from thence next following and fully should be compleat and ended And also that whereas the aforesaid Michael G. and Edmund M. the same think Day of October, in the abovefaid fixth Year of the Reign of our faid Lord the now King, at the aforesaid Parish of W. in the County aforefaid, had demised to the same Edward W. the To nements

t

d

1;

d,

id

of

e.

S.

as

rd

of

18,

he

he

re-

ove

ces,

ne-

the

MO

last

of

ing,

ded

Mi-

hird

ixth

the

h of

de-

Te-

lents

nements aforefaid, in the aforefaid Writ last abovementioned, with their Appurtenances, to have - (as before, to compleat and ended) by Virtue of which faid several Demises, the same Edward W. entered into the several Tenements aforefaid, and was thereof poffessed; and so being thereof possessed, the aforesaid Edward B. Alexander T. and Richard 7. afterwards, to wit, on the fame third Day of October, in the abovefaid Sixth Year of the Reign of our faid Lord the now King, with Force and Arms, into the Tenements aforefaid, in the aforefaid Writ first mentioned, with their Appurtenances, which the same Charles to the same Edward W. in Form aforesaid, had demiled for the Term aforesaid, not yet passed. And also into the aforesaid other Tenements, in the Writ aforesaid last mentioned, with their Appurtenances, which the aforefaid Michael G. and Edmund M. to the same Edward W. in Form aforefaid had demised for the Term aforesaid not yet passed, they entered, and him the faid Edward W. from his Farm aforefaid ejected; and other Enormities to him they then and there did, to the great Damage of him the faid E. W. and against the Pence of our said Lord the King, his Crown L 2 and .

The Clerk's

Sa

fa

M

Bo

of

of

tac

wb

inte

nan

wh

had

ed,

ais

mit

mag

the

ais (

upo

ney

aid

n th

Lord

irec

em

fore

and Dignity, from whence he fays, that he is worsted, and hath Damage to the Value of Twenty Pounds; and thereupon he brings his Suit.

The Plea.

And the aforesaid Edward B. A.T. and R. J. by B. E. their Attorney, come and defend the Force and Injury laid by the aforesaid E.W. to their Charge, when, where and in such a Manner as this Court Shall think fit, and Say that they are in no ways guilty of the Trefpass and Ejectment aforesaid, as the aforesaid Edward W. against them complains; and of this they put themselves upon the Country and the aforesaid Ed

Venire.

TheIssue and Ward W. likewise: Therefore the She Award of the riff is commanded, that he cause to come before our Lord the King, in eight Days of the Feast of the Purifi cation of the Bleffed Virgin Mary, wherefoever we shall be in this Realm, Twelve free and lawful Men, by whom the Truth of the Matter may be the better known, and who neither are of Kin to the aforesaid E. W. nor to the aforefaid E. B. A. T. and R. J. to recognize a Verditt between the Parties aforesaid, because as well the same E.W. as the same E. B. A. T. and R. J. have put themselves upon that Jury; th fame

DHA

same Day is given to the Parties aforesaid at the same Place.

In the Common Pleas.

Michaelmas Term in the fixth Year of King George the Second.

Borrett.

at he e-

me zid

as

hat

ref-

the

777-

ves

Ed-

the-

to

17

rifi

ry,

1111,

bon

the

e of

the

70-

rties

W.

2000

the

Came

Buckinghamshire, to wit. W. H. late The Declaraof B. in the Parish of H. in the County of B. aforesaid, Gentleman, was atached to answer to E. D. of a Plea, why with Force and Arms he entered into one Messuage, with the Appurtcpances, in the Parish of H. aforesaid, which F. G. Esquire, to the same E. had demised, for a Term not yet pasled, and ejected him the faid E. from his Farm aforesaid; and other Enornities to him he did, to the great Damage of him the faid E. and against he Peace of our Lord the now King, is Crown and Dignity: And whereupon the same E. by J. H. his Attorley complains, that whereas the aforcaid F. G. on the first Day of October, the Sixth Year of the Reign of our lord George the Second, now King of ireat Britain, at H. aforesaid, had emised to the same E: the Tenements forefaid, with the Appurtenances, to have

11

b

ir

I

W

C

de

C IIC

th

CO

yi

D

C

th

na

fix

Ri

Af

Bet

one

Cos

have and to occupy the Tenements a foresaid, with the Appurtenances to the same E. and his Assigns, from the last Day of September then last past, until the End and Term of five Years then next following, and fully to be compleat and ended; by Virtue of which Demise, the same E. into the Tene ments aforesaid, with the Appurtenances entered, and was possessed thereof, and him the faid E. so being possessed there of, the aforesaid W. afterwards, to wit, the same first Day of October, in the Sixth Year abovefaid, with Force and Arms, into the Tenements aforefaid, with the Appurtenances, which the above named W. to the same E. in Form aforefaid demised, for the Term aforesaid, which is not yet passed, entered, and him the faid E. from his Farm aforefaid ejected; and other Enormities to him the faid E. he then and there did, to the great Damage of him the faid E. and against the Peace of our faid Lord the King, his Crown and Dignity; whereupon he fays that he is worsted, and hath Damage to the Value of Twenty Pounds: And there upon he brings his Suit.

Notice to the Tenant.

The Notice subscribed to the Tenant is much the same as the aforementioned

2.

he

aft

til

ien

m-

ich

ne-

ces

ind

re-

to

in

rce

re-

ich

in

rm

en-

his

E

hen

e of

wn

hat

the

ere-

ant

ned

in

in the Court of King's Bench, only Caying, to appear the next Hillary Term in his Majesty's Court of Common Bench, instead of the Words King's Bench, These like other Declarations are to be wrote in a common legible Hand and Character, on Paper stamp'd with a double Penny Stamp; but when you come to sign Judgment, then like other Judgments it is to have a double Half Crown Stamp.

If the Tenant does not appear (in the Term mentioned for his Appearance) and enter into a Rule by Confent, to confess as before mentioned; an Affidavit must be made of the Service of the Declaration, whereupon to move the Court by Council for Judgment against the casual Ejector, unless, he (the Tenant) does appear by a short Day presixed by the Court, and enter into such Rule, and so forth; the Form of which Assidavit may be as followeth, to wit,

Between Roger Phillips Plaintiff, and Rice Cork Defendant, of the Demife of J. L.

A.B. of Clerk to S.B. Affidavit of one of the Attornies of this honourable ferving the Court, maketh Oath, That he this De-

11

Se

fi

H

a

01

1

E

a

77

h

fe

A

h 1

a 1

ti 2

1

t

of

fo

a

C

fo

th

by W

ponent did on the Twenty-first Day of December last past, deliver three several Copies of the Declaration hereunto unnexed, with the like English Subscription there-under subscribed, as is to the Taid annexed Declaration, to wit, one of the said Copies unto R. G. one other unto S.S. and the other unto M. N. the Wife of T. N. the three several Tenants in Possession of the Premisses in Question, and at the same Time he this Deponent read the said English Subscription to each of them, the aforesaid R. G. S. S. and M. N.

The Form of an Affidavit where there is no Tenant in Possession, pursuant to the late Act of the fourth of George the Second, before abstracted.

Affidavit of ferving the Declaration where there

- Maketh Oath, that he this Deponent did on the three and twentieth Day of December last past, is no Tenant. pursuant to the Act of Parliament, in that Cafe lately made and provided, serve a Copy of the Declaration of Ejectment hereunto annexed, with the like English Subscription, as is to the said annexed Declaration, by affixing the aforesaid Copy of the said Declaration upon the Door of the Messuage, being the Premisses in Question, no Tenant then

then dwelling or being in actual Pof-session thereof: And this Deponent further faith, that there was more than Half a Year's Rent in Arrear, and due and owing from A. Z. the late Tenant or Occupier thereof, to the Plaintiff's Leffor before the faid Declaration of Ejectment was so served as aforesaid; and no sufficient Distress then was or now is upon the Premisses aforesaid, as he this Deponent has been credibly informed, and verily believes to be true. And further this Deponent saith, that he hath seen the Counterpart of the Lease, whereby the said Plaintiff's Lessor demised the aforesaid Messuage and Premisses to the Said A. Z., far the Term of fourteen Years, at and under the Annual Rent of thirty Pounds a Tear payable half-yearly, in which said Lease is contained the usual Clause for the Lessor's Re-entry for Non-payment of Rent.

1

d

C

£

d

72

e d

e

1%

t

These Forms of Assidavits will serve These Affidafor either Court, and must be made on oits serve both a double Six Penny Stamp, the Rule by Confent is to be figned by the Attorney for the Plaintiff, and the Attorney for the Defendant; and in the King's Bench by one of the Judges of the Court, whose Clerk takes One Shilling for the Judge's

The Clerk's

Judge's Hand; after which you carry this Rule, which is without any Stamp to the Clerk of the Rules, who keeps it, and draws up a Rule of Court upon a double Six-Penny Stamp, for which you pay him Five Shillings; and if (on Motion) your Affidavit appears to be a Country Affidavit, that is, not fwom before one of the Judges of the Count (as the Town Affidavits usually are) you likewife pay him Two Shillings more for affiling fuch Affidavit; but in the Common Pleas an Appearance is to be entered with the Filacer, for which you pay Two Shillings, and then you carry the Rule to the Prothonotary, to whom you also pay Two Shillings for the Imparlance; and afterwards the Secondary keeping that Rule, will make you two Rules to the fame Purport, each upon a double Six-Penny Stamp, for which, and affiling the Affidavit, you pay Eight Shillings; one of these Rules you annex to the Copy of the Issue, and the Defendant's Attorney is to pay for his Part thereof when you deliver the same with the Issue to him, upon the Back whereof you may give him Notice of Trial as hereafter mentioned And the Rules of The Rule by Consent is to the same Purport, and not much different in Form in both Courts; that in the

by Confent much the Same,

Pagbu (

King's

E

fe

W

ti

ce

pa

in

G

T

on

fh

the

and

faic

con

by

King's Bench is said to be by Consent of the Attornies of both Parties; and the Common Pleas names the Attornies by their respective Names; first for Plaintiff, and then for the Person made Defendant in the room of the casual Ejector: The Forms however take as follows.

h

n

m

nt:)

gs

in to

H

to

20

e-

Ke.

rt,

P,

st,

fe

he

is

où

m,

m

ed.

ne

in

ho

g's

Hillary Term, in the fixth Year of King George the Second.

Surrey, to wit. It is Ordered by the The Rule, by Assent of the Attornies of both Par Consent, in the ties. That John Treschone be admitted King's Bench, ties, That John Truelove be admitted Defendant in the Place of the now Defendant, Rice Cork, and shall appear without Delay at the Suit of the Plaintiff, and put in Common Bail, and receive a Declaration in a Plea of Trefpass and Ejectment for the Tenements in Question, and plead thereunto Not Guilty without Delay; and upon the Trial of the Issue, shall confess Lease, Entry and Actual Oufter, and infift upon the Title only, otherwise Judgment shall be entered by the Plaintiff against the now Defendant Cork, by Default; and if upon Trial of the Issue aforefaid, the same John Truelove shall not confess Lease, Entry, and Actual Ouster, by which the Plaintiff his Bill against

the aforesaid John cannot further profecute; then no Cost and Charge upon such Non-fuit shall be adjudged; but the aforefaid John shall pay to the Plaintiff the Cost and Charges thereupon to be taxed. And it is further Ordered, That if upon Trial of the Issue aforesaid, a Verdict should be rendered for the Defendant John; or if it should happen the aforesaid Plaintiff his Bill aforefaid should not further prosecute for any other Cause than for not confessing Leafe, Entry, and Actual Oufter aforefaid, that then the Plaintiff's Leffor shall pay to the said John the Cost and Charges in that behalf to be adint, Rice Cork, and thall dogboi out Delay at the Suit of -mail off

P

0

h

th

u

P

is

of

CO

bu

no

Th

Wi

afo ma

ver

the

10 (

I

Hillary Term, in the fixth Year of King George the Second.

The like in the

sut bi tre ke

Buckinghamsbire, to wit. It is Or-CommonPleas. dered by the Court, by the Affent of 7. H. the Plaintiff's Attorney, and H. H. the Attorney for John Truelove, who claims the Title of the Tenements in question, That the same John Truelove be admitted Defendant, and that the same John shall appear without Delay by his Attorney aforefaid, who is to receive a Declaration, and shall plead thereunto the general Issue this Term;

t

r

A

of

of

ld

e,

ts

eat

ut

10

Il

is

1;

Term; and at the Trial thereupon to be had, the fame John shall appear in his proper Person, or by his Council or Attorney, and confess Lease, Entry, and Actual Ouster, of so many of the Tenements in the Declaration of the Plaintiff specified, as be in the Possession of the faid Defendant, or his Tenants, or of any Person claiming by or under his Title, or that in Default thereof, Judgment be entered against the Defendant W. H. the Casual Ejector, but that Profecution be stayed against him; until Default be made in any of the Premisses. And by the like Assent, It is further Ordered, That if by reason of fuch Default the Plaintiff should become Non-suit upon the Trial, the said John shall take no Advantage thereof, but shall pay to the same Plaintiff the Cost to be taxed thereon by the Prothonotary. And it is further Ordered, That the Plaintiff's Lessor be chargeable with the Payment of the Cost to the aforesaid John, by the Court in any manner to be allowed or adjudged.

The Rules of Court hereupon are very little (if any thing) different from the foregoing Rules.

If the Tenant does not appear, and If no Appearno one else hath moved the Court to be ment passes

made against the casual Ejector.

made or admitted Defendant, the Rule being out, that is, the Time prefixed by the Court being expired, you may fign Judgment against the Casual Ejector, which is generally entered with a Release of the Damages, (or rather without any) being against a feigned Person, or a Friend; the Form whereof see after among the Entry of Judg. ments without Trial; and then you may fue out a Writ, directed to the Sherif of the County, commanding him to put the Plaintiff or his Lessor into Posfession (as before observed); the Form of which you will find among the other Writs of Execution.

Ejed ment may be tried more than once.

Observe, that an Ejectment is not conclusive like other Actions; for if the Plaintiff should become Non-fuited, or a Verdice pass against him, yet he may bring new Ejeaments, and try the Cause over and over again; and in fuch Case it is proper to lay the Demise to the Plaintiff as far back as he well can, at least before the Date of the prior Demise, if he then had any Title, by means whereof if he recovers, he may afterwards bring an Action for the Mefrie Profits, and will recover from the Day of fuch Demife.

a Triel.

How to put of If Witnesses are Abroad, or not able to Travel, upon an Affidavit thereof,

fetting

fe

C

fi

d

ci

T

Se

m

Pe

tic

At

Af

aga

Pol

refi

and

alm

Aa

the

ver

the'

an a

Den

d

1

d f

*

y

0

of

et

ot 10

10 ay

he

in

ile

ell

he

le,

he

he

m

le

of,

ng

fetting forth the particular Case for the Court to judge on, and alledging in fuch Affidavit that they are material Witnesses, without whom the Defendant, as he is advised, cannot fafely proceed to Trial; the Court, upon Motion made by the Defendant's Council to put off the Trial to another Term, will grant the fame, upon giving Security for the Meine Profits and Payment of Cost.

And likewise in other Actions, upon Payment of Cost only; but observe Notice should be given to the Plaintiff's Attorney, of these Motions, and an

Affidavit made of fuch Notice.

Of Trover.

Rover and Conversion, is a Spe- The Nature cial Action of the Case, and lies of Trover. against any Person who has got the Possession of the Goods of another, and refuses to deliver them upon Demand; and where-ever Detinue (an Action now almost disused) may be brought, this Action of Trover will lie; and is for the Recovery of Damages for the Conversion of the Goods, (as Detinue is for the Thing it felf:) Where you cannot prove an actual Conversion, a Demand and Denial, which amounts to the same, is neces-

The Clerk's

necessary to be proved upon the Trial; but the Time of the Conversion is not material, though the more certain the better, and the Goods must be expressed with Certainty in the Declaration.

Farther ex-

The Nature of this Action may be farther explained, and the better understood, by these short Rules following, to wit.

1. The Plaintiff in this Action, ought to have a Property in the Goods of Things for which the Action is brought.

2. To maintain this Action, two Things must be proved, Property in the Plaintiff as foresaid, and Conversion in the Defendant.

3. A Demand of the Goods is necessary to this Action before it be brought; especially where the Plaintiff cannot prove a Conversion; for that a Demand and Denial as aforesaid is a Conversion.

4. This Action is not grounded upon any Property supposed to be in the Defendant, but upon the Possession only.

Action. Sometion is the Point of the

6. Trover lies for Goods, though they are in the Plaintiff's Possession, and that brings Damages for the Conversion.

it come of the amount of the feme, is

(

V

N

f

D

a

fi

fa

te

to

Kent, to wit. A. B. complains of A Declaration C. D. in the Custody of the Marshal in Trover in the King's of the Marshalley of our Lord the King, Bench. before the King himfelf being, for that, to wit, That whereas the aforefaid A. on the tenth Day of May, in the fixth Year of the Reign of our Lord George the Second, now King of Great Britain, at Maidfione, in the County aforesaid, was possessed of the Goods and Chattels following, to wit, of a Feather-Bed and Bolster, a Screwtore, a Chest of Drawers, and two large Looking-Glasses, to the Value of forty Pounds, of lawful Money of this Realm, as of his own proper Goods and Chattels. And being so possessed thereof, the same A. afterwards, to wit, the same Day and Year abovefaid, at Maidstone aforesaid, in the County aforesaid, those Goods and Chattels out of his Hands and Possession, was cafually deprived of and did lose; which faid Goods and Chattels being so lost afterwards, to wit, the fame Day and Year abovesaid, at Maidstone aforesaid, in the County aforesaid, by finding, came to the Hands and Possession of the aforesaid C. yet the aforefaid C. knowing the Goods and Chattels aforesaid to be the proper Goods and Chattels of him the faid A. and to him the Lid A. of Right to belong M and

nt

10

16

in

16-

be

iff

a

on

)e-

illi he

ney

nat

nt,

and appertain, nevertheless contriving and fraudulently intending the same A. in this Particular craftily and fubtilly to deceive and defraud the Goods and Chattels aforesaid, though often demanded, to the same A. hath not as yet delivered, but the Goods and Chattels aforefaid afterwards, to wit, on the fixteenth Day of May, in the fixth Year abovesaid, at Maidstone aforesaid, in the County aforesaid, to his own proper Use, bath converted and disposed of; whereupon the same A, says that he is worsted, and hath Damage to the Value of forty Pounds: And thereupon he brings his Suit.

i

Q.

to

B

P

as

te

th

L

Ye

in G

his

dep Go

wa

abo

Par

ing of

for

and

he

aid

he

aid

M. Howard for the Plaintiff, W. Moore for the Defendant.

Pledges of profecuting, Stoken Doe, and Richard Ros.

By an Executrix, where the Goods came to the Defendant's Lands in the Testator's Life-time. London, to wit. Elizabeth B. Widow, Executrix of the last Will and Testament of William B. her late Husband, deceased, complains of Matthew D. in the Custody of the Marshal of the Marshalfey of our Lord the King, before the King himself being for that, to wit, That whereas the afore-

aforefaid William, in his Life-time, to wit; on the first Day of December, in the Year of our Lord, one thousand seven hundred thirty-one, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, was possessed of the Goods and Chattels following, to wit, of three Feather-Beds, four Bolfters — to the Value of thirty Pounds, of lawful Money of this Realm, as of his own proper Goods and Chattels; and being so possessed thereof. the aforesaid William afterwards, in his Life-time, to wit, the same Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, the Goods and Chattels aforefaid out of his Hands and Possession, was casually deprived of, and did lose; which said Goods and Chattels being fo loft, afterwards, to wit, the same Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, in the Lifetime of the aforefaid William, by finding, came to the Hands and Poffession of him the faid Matthew; yet the foresaid Matthew knowing the Goods and Chattels aforesaid to have been he Goods and Chattels of the aforeaid William, in his Life-time, and at he Time of his Death, and to her the aid Elizabeth, as Executrix of the M 2 Testa-

T

n

1

at

ne

ac

ol

113

0

127

oe.

Wi-

and

ate

lat-

hal

the

ing,

the

ore-

Testament of the aforesaid William her Husband, after his Death of Right to belong and appertain, nevertheless conceiving and fraudulently intending the fame William in his Life-time, and the same Elizabeth after the Death of the aforesaid William, of the Goods and Chattels aforefaid, craftily and fubtilly to deceive and defraud the Goods and Chattels aforefaid, to the above-named William in his Life-time, or to the above-named Elizabeth after his Death, though often requested, hath not as yet delivered; but the Goods and Chattels aforesaid afterwards, to wit, the same Day and Year abovefaid, at London aforesaid, in the Parish and Ward aforefaid, to his own proper Use, hath converted and disposed of in Delay of the Execution of the Will of the aforesaid William her Husband, and to the Da mage of the faid Elizabeth of thirty Pounds: And thereupon she brings her Suit. And the same Elizabeth bring here into Court the Letters Testamen tary of the aforesaid William, by which it sufficiently appears to the Court here that she the faid Elizabeth is Execu trix of the Last Will of the aforesaid William, and hath the Administration thereof.

London

b

]

1

fo

to

T

la

ou

an

in

L

Sai

of

Ne

or !

Poi

bei

lien

Chi

Chi

with

pute

vere

Dru

twel

land

Com

e

d

d

b

ne

h,

et

els

me

lon

re-

onthe

aid

Dairty

her

ings

nen hich

1ere

ecu efaid

ation

72 d 01

London, to wit. Sufannah E. Wi- By an Execudow, Executrix of the Last Will and Goods came to Testament of Thomas E. her late Hus- the Defendant's band, deceased, complains of Richard Hands after the Death of H. in the Custody of the Marthal of the the Teffator. Marshalfey of our Lord the King, before the King himself being, for that to wit, That whereas the aforesaid Thomas in his Life-time, to wit, on the last Day of December, in the Year of our Lord, one thousand seven hundred and thirty-one, in the Island of Jamaica, in Parts beyond the Seas, to wit, at London aforesaid, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, was possessed of twenty He-Negroes or Slaves, and ten She-Negroes or Slaves, of the Price of five hundred Pounds of lawful Money of this Realm, being natural Persons, Ethiopians, Aliens, Infidels, and Slaves, and not Christian Persons, nor Subjects of any Christian Prince or State, then and yet within the Island aforesaid, being reputed and esteemed Goods, and delivered, taken, and fold as Goods; of a Drugget-Coat, a Diaper Table-Cloth, twelve Silk Handkerchiefs, three Holland Shirts, one Pair of Silver Buckles, one Gold Ring, one large Bible, a Common-Prayer Book, The Whole Du-M 3

ty of Man, to the Value of one hundred Pounds of like lawful Money of this Realm, and of twenty Guineas of law. ful Money of this Realm, as of his own proper He or She Negroes, Goods, Chattels, and Money; and being fo possessed thereof, the aforefaid Thomas afterwards, to wit, on the twenty-fixth Day of Jamuary, in the Year of our Lord above faid, at Jamaica aforesaid, in Parts beyond the Seas, to wit, at London aforesaid, in the Parish and Ward aforefaid, died possessed thereof, after whose Death, to wit, the same Day and Year last mentioned, at London aforesaid, in the Parish and Ward aforesaid, the He and She Negroes, Goods, Chattels, and Money aforefaid, by finding, came to the Hands and Possession of the aforefaid R. yet the aforesaid R. though he well knew the He and She Negroes, Goods, Chattels, and Money aforefaid, to have been the He and She Negroes, Goods, Chattels, and Money of the aforesaid Thomas in his Life-time, and at the Time of his Death, and to her the faid Susannah, as Executrix of the Last Will and Testament aforesaid of the aforesaid Thomas of Right to belong and appertain, nevertheless contriving and fraudulently intending the aforefaid Sulannah in this Particular craftily and fubtilly to deceive and defraud the

f

h

i

fi

30 fa

re

U

ai

fo

d

is

y-

'n

t-

b

k,

a-

6-

ts

077

8-

se se

ar

in

le

nd

to

10-

he

es,

id,

es,

he

nd

er

ho

of

ng

ng

reily

he He

He and She Negroes, Goods, Chattels, and Money aforesaid, to the abovenamed Susannah, hath not as yet delivered (though to do this the aforefaid R. afterwards, to wit, on the twenty-eighth Day of Fanuary, in the Year of our Lord abovefaid, at London aforefaid, in the Parish and Ward aforefaid, by the fame Sufannah was often requested) but the aforesaid R. the He and She Negroes, Goods, Chattels, and Money aforesaid, afterwards, to wit, the fame Day and Year last mentioned, at London aforesaid, in the Parish and Ward aforesaid, to the proper Use and Advantage of him the faid R. hath converted and disposed of; whereupon the same Sufannah fays that fhe is worsted, and hath Damage to the Value of one thoufand Pounds: And thereupon fhe brings her Suit. Whereas the same Sasannah is willing to aver this, that the He-Negroes and She-Negroes, and all other fuch fort of He-Negroes and She-Negroes in the Island of Famaica aforefaid, among the Christians, have been reputed and used, and are reputed and wied, and have been bought and fold, and are as Merchandize: And the fame Sulannah brings here into Court, (and to forth, as in the next before.) Min and settly building of Brind D

M 4

In the Common Pleas.

fa

ai

fa

a

fi

0

al

0

hi

fa

2

0

to

ſa

h

DY

PI

la

m

Po

to

ta

W

Rule to admit an Infant to profesure by his next Friend. It is Granted by the Court, that John Amherst, Esquire, and Jane his Wise, do prosecute for Richard Cursow, Esquire, who is within the Age of one and twenty Years, as the next Friend of him the said Richard, against John Ireland, late of Rudgewicke, in the County of Sussex, Yeoman, in a Plea of Trespass on the Case.

Cooke.

A Declaration in Trover for an Ox, brought by an Infant by bis next Friend.

Suffex, to wit. John Ireland, late of Rudgewicke, in the County aforefaid, Yeoman, was attached to answer to Richard Curflow, Esquire, in a Plea of Trespass upon the Case; and whereupon the same Richard, by John Amherst, Esquire, and Jane his Wife, who are admitted by the Court of the King here to profecute for the same Richard, who is within the Age of one and twenty Years, as the next Friend of him the faid Richard, complains why whereas the same Richard on the first Day of April, in the fixth Year of the Reign of our Lord the now King, at Rudgewicke, was possessed of one Ox, of the Price of fix Pounds, as of his own proper Ox; and being so possessed thereof, the fame same Richard that Ox out of his Hands and Possession casually lost, which said Ox afterwards, to wit, on the aforefaid first Day of April, in the fixth Year abovefaid, at Rudgewicke aforefaid, by finding, came to the Hands and Possession of the aforesaid John Ireland, yet the aforesaid John Ireland, knowing the Ox aforesaid to be the proper Ox of him the faid Richard, and to him the faid Richard of Right to belong and appertain, nevertheless contriving and fraudulently intending the same Richard of the Ox aforesaid craftily and subtilly. to deceive and defraud, that Ox to the same Richard, though often requested, hath not hitherto delivered, but that Ox afterwards, to wit, on the twentieth Day of April, in the abovefaid fixth Year at Rudgewicke aforefaid, to the proper Use of him the said John Ireland converted and disposed, to the Damage of him the faid Richard of ten Pounds: And thereupon he brings his

D,

f

g-

te

e-

er

ca

re-

111-

ho

ng

rd,

ity the eas of

ign

gethe

per

the

me

Middlesex, to wit. John Parting Trover for ton, late of London, Factor, was at-Broad Cloth. tached to answer to William Moore, in a Plea of Trespass upon the Case; and whereupon the faid William, by Nicholas

las Hall, his Attorney, complains, That whereas the aforelaid William, on the eleventh Day of November, in the Year of our Lord, one thousand seven hundred and three at Westminster, in the County of Middle few aforefaid, was policified of the Goods and Chattels following, to wit, of eighty and two Pieces of Broad-Cloth, each Piece there of containing thirty and three Yards, to the Value of two thousand Pounds, as of his own proper Goods and Chattels; and being so possessed thereof, the fame William afterwards, to wit, the fame Day and Year abovefaid, at Westminster aforesaid, those Goods and Chattels out of his Hands and Poffession, cafually was deprived of and did lofe which faid Goods and Chattels afterwards, to wit, the fame Day and Year abovefaid, at Westminster aforesaid, by finding, came to the Hands and Poffer fion of the aforesaid John; yet the aforefaid John knowing those Goods and Chattels to be the proper Goods and Chattels of him the faid William, and to him the faid William of Right to belong and appertain, nevertheless contriving and fraudulently intending the same William in this Particular craftily and fubtilly to deceive and defraud, those Goods and Chattels, though often request-

te

λ

la

af

D

Ti

ир

his

the

Wi

Yea

requested so to do, to the same William hath not hitherto delivered; but those Goods and Chattels, afterwards, to wit, the same Day and Year abovefaid, at Westminster aforesaid, to the proper Use and Advantage of him the faid John, hath converted and disposed of, to the Damage of him the faid William of Five hundred Pounds: And thereupon he brings his Suit.

Michaelmas Term, in the Seventh Tear. of King George.

Folev.

í

0

t

10

15

ls

10

6-

s, S. t-

ne ie

A-

It-

on,

e)

erar

by ef-

he

ods

ods

1772 ht

ess

ing

fti-

ud.

ten

est-

London, to wit. John W. late of By an Admi-London, Tallow-chandler, was attached ring the Minoto answer to William M. Administrator vity of an Inof all and fingular the Goods and Chat- fant, for tels, Rights and Credits which were of came to the N. 7. his late Brother deceased, during Defendant's Hands after the Minority of E. 7. the natural and the Death of lawful Daughter and only Child of the the Intestate. aforesaid N. 7. at the Time of his Death, who died intestate of a Plea of Trespass upon the Case. And whereupon the same W. by Gravely Norton his Attorney complains, that whereas the aforesaid N. J. in his Life-time, to wit, on the fifth Day of October, in the Year of our Lord One thousand seven hundred and nineteen, at London afore-

aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, was possessed of the Goods and Chattels following, to wit, of two Trunks mark'd N.I. No 1, and 2, to the Value of Twenty Shillings, and of three Hundred Pounds Weight of wrought Iron, to the Value of Thirty and five Pounds; and of one other hundred Pounds Weight of Haberdashery, to the Value of Twenty and fix Pounds and fourteen Shillings, in the same two Trunks contained, of five Casks or Cases marked (and so on the rest of the Goods) as of his own proper Goods and Chattels; and being fo possessed thereof, the aforesaid N. J. afterwards, to wit, on the ninth Day of the same Month of October, in the Year of our Lord One thousand seven hundred and nineteen, abovefaid, at London aforesaid, in the Parish and Ward aforefaid, died possessed thereof; after whose Death, to wit, on the fourteenth Day of the same Month of October in the Year of our Lord One thousand seven hundred and nineteen abovefaid, at London aforesaid, in the Parish and Ward aforesaid, the aforefaid Goods and Chattels by finding, came to the Hands and Possession of him the faid 7. yet the foresaid 7. tho 0.0000

8

a

d

te

C

d

0

0

d

T

r-

d

10

/e

be

ofo

7.

of

he

en

at

nd

f;

ar-

k-

ne

en

he

re-

ıg,

ot

ho:

he well knew the Goods and Chattels aforefaid to have been the proper Goods and Chattels of the aforefaid N. J. in his Life-time, and at the Time of his Death, and to him the faid W. after the Death of him the faid N. 7. by Virtue of the Commission of Administration aforesaid of Right to belong and appertain, nevertheless, contriving and fraudulently intending the aforesaid W. in this Particular, craftily and deceitfully to deceive and defraud the Goods and Chattels aforefaid, or any Parcel thereof to the abovenamed W. (to which faid W. Administration of all and fingular the Goods and Chattels, Rights and Credits which were of the aforesaid N.J. during the Minority of the aforesaid E.J. the natural and lawful Daughter, and only Child of the aforesaid N. 7. as is before mentioned at the Time of his Death, after the Death of him the said N. 7. to wit, the twenty-first Day of November, in the Year of our Lord One thousand seven hundred and nineteen abovesaid, at London aforesaid, in the Parish and Ward aforesaid, by William, by divine Providence, Archbishop of Canterbury, Primate and Metropolitan of all England, in due Form of Law was committed) hath not as yet delivered

(though to do this the aforefaid 7. afterwards, to wit, the fame Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, and often aftenwards there by the fame W. was requested) But the aforesaid J. the Goods and Chattels aforefaid afterwards, to wit, the same Day and Year last abovesaid, at London aforesaid, in the Parish and Ward aforesaid, to the proper Use and Advantage of him the faid 7. hath converted and disposed of in Delay of the Administration of the Goods and Chattels aforesaid: Whereupon the same W. says, that he is worsted, and hath Damage to the Value of Eight hundred Pounds: And thereupon he brings his Suit.

And the same W. brings here into Court the Letters of Administration aforesaid, which testify the Commission of Administration aforesaid, in the Form aforesaid, the Date whereof is the same

Day and Year last abovefaid.

THE WALLS THE CHARLES

Whereas that the aforesaid W. is willing to aver this, that the aforesaid E. is still living, and in full Life, and within the Age of One and twenty Years, to wit, at London aforesaid, in the Parish and Ward aforesaid.

0

u

li

yo fic

fic

ed

un

th

D

du

hi

per

Pla

ho

Wo

any

We fou

Of Trespass on the Case.

A CTIONS upon the Cafe are va- The Nature Tious, and may be grounded on of the Action. any Agreement in Writing, which is only figned by the Parties (but if it is sealed (and duly stamp'd) an Action of Covenants will lie thereon) it lies upon Promises expressed or implied, as also for Wrongs or Injuries done by Negligence or otherwise, and so forth, as you may better observe among the Prefidents following. Dan of Bird Promifes bow

And here it may be necessary to con- grounded, fider how Promises ought to be grounded, to wit, if one Person is indebted on simple Conunto another upon a fimple Contract, and makes an express Promise to pay the same, the Plaintiff in suing for this Debt must shew how such Debt grew due, and for what the How much be

e

r

ſ,

é

1

of

n

to

a-

on

m

ne

il-

E.

nd

ity

in

Of

If one fue upon a Promife to fatisfy him for Work and Labour, done and performed for the Defendant, he, the Plaintiff must shew, in his Declaration, how much he deferved for fuch his Work and Labour; fo, if one fue for any Goods or Things fold; or if in the Work or Labour any Materials were found by the Plaintiff, and no Price agreed

The Clerk's

or the Goods

Upon a ftated

greed upon, he must shew and aver the same to be worth such a Sum.

But upon a stated Account the Plaintiff need not shew how or for what the Debt accrued, but generally that the Defendant accounted together with him the said Plaintiff, concerning divers Sums of Money to the same Plaintiff by the aforesaid Defendant, before that Time due and unpaid.

0

15

tl

fic

th

ha

th

an

is

are

tw

pli

wh

me

pay

exp Ca:

Pro

a H

Upon Confideration exocutory.

In an Action upon a Promise, if the Confideration be executory; (that is, upon fomething to be done by the Plaintiff) namely, as if one promise to do fomething to me, in Consideration of fomething to be done before by me to or for him; if I will fue him for what he is to do for me, I must aver that I have done that which was first to be done by me; for till that is done, I cannot maintain an Action upon fuch his As if one Promise to me, Promise. that in Confideration I will forbear and not fue for my Debt, till fuch a Day, he will then pay me, I must shew I did forbear, or cannot maintain the Action And if a certain Time and Place was agreed on for the performing the thing agreed on, I must set it forth to be done accordingly.

Time and Place.

Confideration executory can-

and where 'tis Executory, and averred that 'tis executed, when indeed it he

in-

nat

hat

rith

ers

tiff

hat

the is,

ain-

do

of

e to

hat

at I

be

can-

his

me,

and

Day,

did

tion.

was

hing

o be

aver-

ed it

Se main as

is not, the Defendant may shew it specially in his Plea, and may tender an Ifue as well for not performing the Consideration executory, as upon the Promise; but if he pleads the general Issue that he did not assume upon himself, he cancelleth the Performance of the Confideration executory; and so it is upon any Promise to do a thing up-

on Condition.

But it is otherwise in case of recipro- Recipronises. cal Promises, that is where one Promise is the Confideration of another, there the Plaintiff may declare, that in Consideration that he had promised one thing to the Defendant, the Defendant had promised another thing to him, and this will maintain the Action without any Averment of Execution of what is executory, in the Promise; and these are generally laid upon Colloquies between the Parties.

Now as to Actions and Promises im- Fromises implied, it is further to be observed, that plied. where I retain a Man to do Work for me, it is implied by Law that I should pay him for such Work, altho' I never expresly promised so to do; and in this Case the Law creates and supplies the Promife: As for a Carrier for carrying of Goods; so for a Smith for shoeing Horse; and so of the like; for which the

Promifes Goods loft.

er the Goods

were worth.

The Clerk's

So much as be deferoed,

the Plaintiff shall recover so much as he deserved.

tis

of

Ca

the

by

the

ton

tor

the

Pre

mh

Tri

19

dai

Mai

he.

ng

for

Day

org

wer

Va

o th

awf

ers

fh

AB Altar

tis

An Inn-keeper may bring this Action against a Guest or Traveller that shall refuse to pay for his Provision and Entertainment upon an implied Promise, and shall recover to much as such Provisions were worth.

or the Goods were worth.

Against an

Inn-beeper for

Goods loft.

So may a Stable-keeper against one that does not pay him for Horse-Meat,

Also this Action will lie against an Inn-keeper for a Horse, or any Goods brought into his Inn by any Guest or Traveller, and there lost thro Negligence or otherwise.

A Tradesman.

A Tradefman may have this Action for any Goods, Wares or Merchandizes by him fold.

A Taylor.

An Artificer.

ייים ניונים בחום

Assist.

So may a Taylor, upon an implied Promise for making Cloaths; or any Artificer or Labourer for Work done or performed for another, may have this Action, wherein he will, as before observed, recover as much as he do serves; and if he hath found any Materials, he must add (and will recover) as much as they were worth.

Several Counts in one Declaration. And these Sort of Actions may either be laid singly, or three, four or more of them may be joined and laid in one Declaration, that is, you may add so many Counts in one Declaration; and

I

S

n 11

Ŋ.

ė,

0

ne

it.

an ds

or

li-

On

zes

ied

iny

otte ave

ore

do

Ma-

rer)

her

lore

one dio

and

'tis

on How bluow

tis usual where you are not certain of your Client's Cafe, to lay different Counts, that so you may be fure to hit the right, the ot showers after the to wit, Joseph and

And as these Actions may be brought Executors, and by or against the Parties themsalves, so diministrathey will also lie for or against Execuor Administrators upon the Testaor's Contracts; and fo likewise upon their own Assignments. But see the Pretedents of object offs godw

Trinity Term, in the Fifth and Sixth Years of King George the Second.

Leicestersbire, to with A. B. com- (1.) dains of C. Do in the Custody of the For Goods fold Marshal of the Marshalfey of our Lord and delivered. he King, before the King himfelf beng for that, to wit, that whereas the foresaid C. D. on the Twenty-second Day of March in the Year of our ord One thousand seven hundred and wenty-eight, at Belgrave in the Couny of Leicester aforesaid, was indebted o the same A. B. in Fifteen Pounds of awful Money of this Realm, for diers Goods, Wares and Merchandines f him the faid A. B. by the fame 4.B. to the same C. D. at the special Mance and Request of him the faid N 2

The Clerk's

C. D. before that Time fold and delle

vered: And thereupon being fo indebt

ed, the aforesaid C.D. in Consideration

Day and Year abovefaid, at Belgran

fumed upon himself, and to the same

faithfully pay and content. And all

whereas the fame A.B. afterwards, to

W W

W

te

th

di

(a)

as

ve

Sa

rea

Po

Re

aft

Ye

in ;

An

afte

Yes

aic

fore

him

err he

befo

behi

cour

her

am

ind

oft

1200

Wort

Defendant be- thereof, afterwards, to wit, the same ing indebted for the fame, promifed to pay. aforefaid, in the County aforefaid, at

> A.B. then and there faithfully promi fed, that he the aforesaid C. D. the forefaid Fifteen Pounds to the fame A. B. when afterwards he should be thereunto required, would well and

As much as they were worth.

wit, the same Day and Year abovesaid at Belgrade aforefaid, in the County & forefaid, at the like special Instance and Request of him the faid C. D. ha fold and delivered to the same C.D. divers other Goods, Wares, and Mer chandizes the aforefaid C. D. in Confi deration thereof, afterwards, to wit the fame Day and Year abovefaid, Belgrave aforefaid, in the County afore faid, affumed upon himfelf, and to the fame A.B. then and there faithful promised, that he the aforesaid C. D fuch a Sum of Money as the Good Wares and Merchandizes aforefaid la mentioned, at the Time of the Sale and Delivery of the same were reasonable

leli-

ebs

tion

ame

race 26

ame

)mie s

ame

be

and

all

, to

faid.

y a

and had

.D

Mer

onfi

wit

, 1 fore

) the

fulk

.O

oods

lal

an

rabl vort

worth, to the same A. B. when afterwards he should be thereunto required. would well and faithfully pay and content. And the fame A. B. in Fact fays, that the Goods, Wares and Merchandizes aforesaid last mentioned (to the fame C. D. by the aforesaid A. B. so as is before related, to be fold and delivered) at the aforesaid Time of the sale and Delivery of the same, were reasonably worth another Fifteen Pounds of like lawful Money of this Realm, whereof the aforesaid C. D. afterwards, to wit, the same Day and Year abovesaid, at Belgrave aforesaid, n the County aforesaid, had Notice. And also whereas the aforesaid C. D. afterwards, to wit, the same Day and Year last abovesaid, at Belgrave aforeaid, in the County of Leicester aforeforesaid, had accounted, together with Plaintiff and him the aforesaid A.B. of and con- Defendant acerning divers other Sums of Money to ther, he same A. B. from the aforesaid C. D. efore that Time due, and then being behind and unpaid: And upon that Account the same C. D. was then and here found in Arrearage towards the ame A. B. in the Sum of Nine Pounds and Six Shillings, of like lawful Money of his Realm. And being so found N 3 Damage in

P

St

D.

0

1

M

of

of

K

fo

fa

m

fe

do

Sa

of

H

ne

M

th

th

th

ar

AND TOTAL

in Arrearage, the aforesaid C. D. in Confideration thereof, afterwards, to wit, the same Day and Year last above faid, at Belgrace aforefaid, in the County of Leicester aforesaid, assumed upon himself, and to the same A. B. then and there faithfully promised, that he the aforelaid C. D. the aforelaid Sum of Nine Pounds and Six Shillings, to the fame A. B. when afterwards he should be thereunto required, would well and faithfully pay and content. Yet the aforesaid C. D. in no wife regarding his feveral Promises and Assumptions afore faid, in Form aforefaid made, but contriving and fraudulently intending the same A. B. of the aforesaid several Sums of Money in this Part, craftily and fubtilly to deceive and defraud the aforesaid several Sums of Money, of any Penny thereof, to the same A. B. hath not paid, nor him for the fame hitherto in any Manner hath contented (although to do this, the aforesaid C.D. afterwards, to wit, the same Day and Year abovefaid, at Belgrave aforefait, in the County aforesaid, by the sume A.B. was required) But that to him he hath hitherto altogether refused to pay, or for the fame in any Manner to content, and as yet doth refuse, to the Damage Damage of him the faid A.B. Fifteen Pounds: And thereupon he brings his wit. the fame Day and Year chovering

at Lordon a or laid, in the Parith and

Moore for the Plaintiff, And brown Johnson for the Defendant

in!

to

Ve:

un-

pon

hen he

um

the ule and

the

his

oreon-

the

eral

tily

the

01

me

eted

D

and

aid

ime

1 he

pay,

con-

the

age

orebased will bierro (John Doenet Pledges of profecuting and Richard Roe:

Holdist bas Hew

four fully promifed, that he the store-

Michaelmas Term, in the Sixth Tear of King George the Second.

London, to wit. Henry S. complains of Peter H. in Custody of the Marshal Defendant beof the Marshalfey of our Lord the ing indebted King, before the King himfelf, being, promifed to page for that, to wit, that whereas the aforefaid Peter, on the third Day of October, in the Year of our Lord One thousand seven Hundred and thirty-two, at London aforefaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, was indebted to the fame Henry, in Fifty Pounds of lawful Money of this Realm, for fuch a Sum of Money of him the faid Henry, by him the faid Henry to the fame Peter, at the special Instance and Request of him the faid Peter, before that Time lent and accommodated. And thereupon a force being N 4

for Money lent.

8

}

i

il

F

t

F

1

u

P

W

al

Pa

up

th

he

F

H

th

fai

afo En

The like for Money laid out and expended.

being to indebted, the aforefaid Peter in Consideration thereof, afterwards, to wit, the same Day and Year abovefaid at London aforesaid, in the Parish and Ward aforesaid, assumed upon himself, and to the fame Henry then and there faithfully promised, that he the aforefaid Peter the aforesaid Fifty Pounds to the fame Henry when afterwards he should be thereunto required, would well and faithfully pay and content. And also whereas the aforesaid Peter, afterwards, to wit, the same Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, was indebted to the same Henry in another Fifty Pounds of like lawful Money of this Realm, for fuch a Sum of Money of him the faid Henry, by him the faid Henry for the same Peter, and to the Use of him the said Peter, at the like special Instance and Request of him the faid Peter before that Time paid, employed, laid out and expended: And thereupon being so indebted, the aforefaid Peter in Confideration thereof afterwards, to wit, the same Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, asfumed upon himself, and to the same Henry then and there faithfully promised, that he the aforesaid Peter the aforea

d

re

e-

to

10

ld

ıt.

7,

nd d,

ras

of

ey

aid

ke

the

m-

re-

af-

and

aid,

af

me orothe

ore-

aforesald Fifty Pounds last mentioned to the same Henry, when afterwards he should be thereunto required, would well and faithfully pay and content. And also whereas the aforesaid Peter The like for afterwards, to wit, the fame Day and Money bad and received Year abovefuid, at London aforesaid, for the Use of in the Parish and Ward aforesaid, was the Plaint of. indebted to the fame Henry in another Fifty Pounds of like lawful Money of this Realm, for fuch a Sum of Money of him the faid Henry, by him the faid Peter for the same Henry, and for the Use of him the said Henry before that Time had and received: And thereupon being fo indebted, the aforefaid Peter in Confideration thereof, afterwards, to wit, the same Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, assumed upon himfelf, and to the same Henry then and there faithfully promifed, that he the aforesaid Peter, the aforesaid Fifty Pounds last mentioned to the same Henry, when afterwards he should be thereunto required, would well and faithfully pay and content. Yet the aforesaid (and so on as in No 1. to the End.)

internation

Middlesex,

As much as Flaintiff deferred for Horse-meat.

to all was a second

Middlesex, to wit. George A. com. plains of John D. Esquire, in Custody (as before) --- for that, to wit, that whereas the forefaid John, on the first Day of May, in the Year of our Lord One thousand seven hundred and thirtytwo, at the Parish of Saint Clement Danes, in the County of Middlesex aforefaid, in Confideration that the fame G. at the special Instance and Request of the aforesaid John, had received in a certain Stable of him the faid G. a Gelding of the aforefaid 7. and found and provided with the proper Money of him the faid G. Oats, Beans, Hay, Straw, and other Horse Meat, necessary for the aforesaid Gelding, for the Space of thirty Weeks then before elapsed, assumed upon himself, and to the same G. then and there faithfully promised, that he the faid ?. fo much Money as he the faid G. should reasonably deserve to have for the same to the same G. when afterwards he should be thereunto required, would well and faithfully pay and content. And the same G. in fact fays, that he reasonably deserved to have for the same of the aforesaid J. the Sum of Eleven Pounds of lawful Money of this Realm, and of this the aforefaid 7. afterwards, to wit, on the foresaid first Day of May,

be

ſa

m fai

wl

un ful

fai

in the Year abovefaid, at the Parish aforesaid had Notice. And also whereas the aforefaid J. afterwards, to wit, on the first Day of October, in the Year of our Lord One thousand seven hundred Defendant beand thirty-two abovefaid, at the Parish ing indebted of Saint Clements Danes aforesaid, in as well for Horse-Meat, the County aforesaid, was indebted to as for Money the same G. in twelve Pounds of like paid and exlawful Money of this Realm, as well mised to pay. for Horse-Meat by the same G. for the aforesaid 7. and for the Use and at the Request of the aforesaid 7. before that Time found and provided, as for divers Sums of Money by the same G. for the aforefaid 7. and for the Use of him the faid J. before that Time expended and paid. And the aforesaid 7. thereupon being so indebted to the same G. in Consideration thereof, afterwards, to wit, on the aforesaid first Day of October, in the Year last abovesaid, at the Parish aforesaid, in the County aforefaid, affumed upon himfelf, and to the same G. then and there faithfully promised, that he the said 7. the aforcfaid Twelve Pounds to the same G. when afterwards he should be thereunto required, would well and faithfully pay and content. Yet the aforelaid—as in No (1.) to the End.

IĈ 64

e.

ho

0

ts

fo

14-

ien

elf.

ere

pla

me

he

uld

ent.

he

ame

even

alm,

ards, May,

10

London.

For Twenty
Pounds paid
to a third
Person,

Torrell Source

ins hand

. graffill has

webwo.

in the Year above land, at the Parish a-London, to wit. J. M. complains of W.P. in Custody (as before) for that, to wit, that whereas the aforesaid W. P. on the third Day of May. in the Year of our Lord One thousand feven hundred and thirty-one, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, in Consideration that he the faid 7. M. at the special Instance and Request of him the faid W.P. would pay to one W. N. Twenty Pounds, affumed upon himself, and to the same 7. then and there faithfully promifed, that he the faid W. P. the aforefaid Twenty Pounds to the abovenamed J. would well and faithfully pay and content. And the same 7. in Fact says, that he the faid J. believing the Promise and Assumption of the aforesaid W. P. the aforefaid Twenty Pounds to the abovenamed W. N. afterwards, to wit, on the fourth Day of June, in the Year of our Lord abovefaid, at London aforefaid, in the Parish and Ward aforesaid paid (here add a Count for Money laid out and expended, which fee in No (2.) then the Predictus tamen, or Yet the aforesaid W. P. as in No (1.) to the End. (1) 1 1 1 1

London

al

fa

te

qu

fan

Da

afo faic

Re

Appending in applications show an

London, to wit. W. E. complains of T. S .- (and so on to) was indebted Defendant beto the same W. in One hundred and ing indebted as Fifty Pounds of lawful Money of this done, as for Realm, as well for divers Works and Materials Labours of him the faid W. by him the foundby Plainfaid W. in, and about divers Businesses of to pry. him the faid T. and at his special Instance and Request before that Time done and performed, as also for divers Materials and Things necessary to be used in and about the same Businesses by him the faid W. before that Time found and provided. And thereupon being so indebted, the aforesaid T. in Consideration thereof, afterwards, to wit, the same Day and Year abovesaid, at London aforefaid, in the Parish and Ward aforefaid, assumed upon himself, and to the same W. then and there faithfully promised, that he the aforefaid T. the aforefaid One hundred and Fifty Pounds to the same W. when afterwards he should be thereunto required, would well and faithfully pay and content. And also whereas the As much as same W. afterwards, to wit, the same Plaintiff de-Day and Year abovefaid, at London same. aforefaid, in the Parish and Ward aforefaid, at the like special Instance and Request of him the faid T. had imployed

t

d

e

2-

n

of

e-

id

y

in

or Io

12

well for Work

his

Į

th

Ol

ar

in

fe

G

fai

ca

Ha

fai

Da

the

fan

Por

ved

and

fucl the

8-31-4

TO SEE !

his Work and Labour in and about divers other Businesses of him the said T. and had found and provided divers other Materials and Things necessary to be used in and about the same Businesses the aforesaid T. in Consideration thereof afterwards, to wit, on the same Day and Year abovefaid at London aforefaid, in the Parish and Ward aforesaid. assumed upon himself, and to the same Whithen and there faithfully promifed, that he the aforesaid T. so much Money as he the fame W. should reasonably deferve for his same Work and Labour tast mentioned, and for the Materials and Things necessary in and about the same Businesses last mentioned by him the faid W. as is before related to be found and provided unto the fame W. when afterwards he should be thereunto required; would well and faithfully pay and content. And the fame W. in Fact fays, that he the same W. reasonably deserved to have for his fame Work and Labour, and for the Materials and Things necessary last mentioned (as is before related to be found and provided) another Sum of One hundred and Fifty Pounds of lawful Money of this Realm, whereof the aforefaid T. afterwards, to wit, on the fame Day and Year abovefaid, at London

don aforesaid, in the Parish and Ward aforelaid, had Notice — for Money laid out and expended; and for Money lent. See No (2.) and for Goods fold and delivered, and (a Quantum Valebat) As much as they were worth, and (the Predictus tamen) Yet the aforesaid T. S. See No (1.)

Suffex, to wit. Thomas W. complains of George J. in Custody (as before) for A Declaration that to wit, That whereas the aforesaid G. on a Promiso-after the first Day of May, in the Year of able on Deour Lord, one thousand seven hundred mand. and five, to wit, on the third Day of May, in the Year of our Lord one thousand feven hundred and thirty-two, at East Grinsted in the County of Suffex aforefaid, made his certain Note in Writing called a Promissory Note, with the proper Hand and Name of him the faid G. to the faid Note subscribed, bearing Date the Day and Year last above faid, and then and there delivered the same Note unto him the said T. by which said Note he the aforesaid G. promised to pay to the same T. or his Order the Sum of five Pounds upon Demand for Value received; by reason of which said Premisses, and also by Force of the Statute in such Case lately made and provided, the aforesaid G. became chargeable,

e

n

e

V.

1+

le

V.

18

18

ıft be

of

Nne

ne

71-072

ino indebted

treate on him

1

a

I

Y

pl

fo

OF

M

th

Wi

Ye hu

fai

of

ma

a F

Ha

the

and

pro

Geo

or (

Pou

then

and was, and now is chargeable to pay

to the faid T. the aforesaid Sum of five Pounds contained in the Taid Note according to the Tenor and Effect of the same Note; and being so charge able, the aforesaid G. in Consideration of the Premisses, afterwards, to wit, on the same Day and Year last above said, at East Grinsted aforesaid, in the County aforesaid, assumed upon himfelf and to the same T. then and there faithfully promifed that he the aforefaid G. the aforefaid five Pounds contained in the Note aforesaid to the same T. according to the Tenor and Effect of the same Note, would well and faithfully pay and content. And also whereas the aforesaid G. afterwards, to wit, the same Day and Year last Defendant be- above said, at East Grinsted aforesaid, in the County aforesaid, was indebted and received of to the same T. in another five Pounds of lawful Money of this Realm, for fuch a Sum of Money of him the faid 7. by the aforefaid G. from him the faid T. before that Time had and received; and thereupon being fo indebted, the aforesaid G. in Consideration thereof, afterwards, to wit, the fame Day and Year last abovesaid, at East Grinsted aforesaid, in the County afore said, assumed upon himself and to the fame

ing indebted for Money bad the Plaintiff, promised to pay.

f

of

e-

'n

d,

ne

n-

re-

nne

ea

ind

ds.

last

aid.

ted

nds

for

said

the

re-

ebt-

tion

ame

East

fore-

the

ame

same T. then and there faithfully promised that he the aforesaid G. the aforesaid five Pounds last mentioned to the same T. when afterwards he should he thereunto required, would well and faithfully pay and content. — For Money Lent — and for Money had and received of a third Person for the Use of the Plaintiss. See before N° (2.) Yet the aforesaid G. in N° (1.)

London, to wit. Joshua W. com- (7.) plains of George D. in Custody (as be- A Declaration fore) for that, to wit, That whereas on a Promisoone William B. after the first Day of me of the In-May, in the Year of our Lord, one dorfors. thousand seven hundred and five, to wit, on the third Day of May, in the Year of our Lord, one thousand seven hundred and thirty, at London aforefaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, made his certain Note in Writing, called a Promissory Note with his own proper Hand subscribed thereto, bearing Date the fame Day and Year last mentioned, and by the same Note the same William promised to pay to the abovenamed George (by the Name of Mr. George D.) or Order, the Sum of twenty and five Pounds, upon the third Day of June then next ensuing, for Value in the said Note

Note mentioned to be received; and the aforesaid George, to whom the Pay. ment of the Sum of Money in the aforefaid Note contained, was made, afterwards, to wit, on the fourth Day of June, in the Year of our Lord one thousand seven hundred and thirty abovesaid, at London aforesaid, in the Parish and Ward aforesaid (the afore faid Sum of Money contained in the faid Note, or any Part thereof, then not being Paid) by Indorfement upon the Note aforesaid with the proper Hand of him the faid George to the faid Indorfement subscribed, appointed the Contents of the faid Note to be paid to one John R. or his Order, for Value in the fame Indorfement mentioned to be received; and the aforefaid John R. to whom Payment of the faid Sum of Money contained in the faid Note, by the Indorsement aforesaid, was made, afterwards, and before Payment of the Money aforesaid contained in the said Note, to wit, on the fifth Day of Fune, in the Year of our Lord one thousand feven hundred and thirty abovefaid, at London aforesaid, in the Parish and Ward aforesaid, by another Indorsement on the faid Note with the proper Hand of him the faid John R. to the faid Indorsement last mentioned subscribed, appoint

C

to

a

B

th

be

in

fa

te

hi

afi

an

afc

fai

faic

Sta

rof

ne ty

he

e he

on

aid

the

aid

Va-

red

R.

1 of

by

ide,

the

faid

1912

and

, at

and

nent

land

faid

bed,

oint

appointed the Contents of the faid Note to be paid to the aforesaid Folhua W. or his Order, for Value in the fame Indorfement last mentioned. mentioned to be received, whereof the same Joshua W. afterwards, and after the aforesaid third Day of June, in the faid Note mentioned, to wit, on the fixth Day of June, in the Year of our Lord last abovesaid, at London aforefaid, in the Parish and Ward aforefaid, gave Notice to the aforefaid William, and then and there required him the faid William to pay to the same Foshua the aforesaid twenty and five Pounds contained in the faid Note, according to the Tenor of the same Note, and the aforesaid several Indorsements thereon. But in fact, the same Joshua says that the aforesaid William, although so as is before related, he was required thereto the aforesaid twenty and five Pounds in the faid Note contained to the same Joshua hath not paid, but hath tefused and neglected to pay that to him, and thereof the aforesaid George afterwards, to wit, the same Day and Year last abovesaid, at London aforesaid, in the Parish and Ward aforefaid, had Notice; by reason of which faid Premisses, and by Force of the Statute in fuch Case lately made and proviprovided, the faid George became charged, and is chargeable to pay to the same Fosbua the aforesaid Sum of twenty and five Pounds in the aforesaid Note contained, and being fo, as is before related, charged and chargeable, he the faid George afterwards, to wit, on the same Day and Year last abovesaid, at London aforesaid, in the Parish and Ward aforesaid, in Consideration of the Premisses, assumed upon himself, and to the same Foshua then and there faithfully promised that he the said George the aforesaid twenty and five Pounds, in the faid Note contained, to the fame Fosbua would well, and faithfully pay, and content. - For Money laid out and expended. See No (2.) Yet the aforesaid G-as in No (1.)

(8.) Upon a Bill of Exchange, was accepted.

London, to wit. Christopher N. complains of John B. in Custody (as before) for that, to wit, That whereas where the Bill the aforesaid Christopher N. and John B. and one John F. on the twenty-fixth Day of June, in the Year of our Lord, one thousand seven hundred and thirty, and always from that Time afterwards, hitherto have been, and yet are Persons separately using Commerce, to wit, the aforesaid John F. at Barbadoes, in Parts beyond the Seas, and the aforefaid t

C

re

a

A

re

to

e

e

ıt

d

1e

nd

h-

ge

ls,

ne

ıy,

ut

he

N.

(as

eas

B.

xth

ord,

rty,

rds,

ons

the

in

orefaid faid Christopher, and John B. at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, and him the faid 70hn F. fo at Barbadoes aforesaid, in Parts beyond the Seas residing, and using Commerce. He the same John F. afterwards, to wit, the same Day and Year abovesaid, at Barbadoes aforesaid, in Parts beyond the Seas, according to the Use and Custom among Merchants and other Persons at Barbadoes aforefaid, in Parts beyond the Seas residing, and among Merchants and other Persons at London aforesaid, in the Parish and Ward aforefaid refiding, and ufing Commerce from the whole Time of the contrary whereof is not used and approved of in the Memory of Man, made his certain Bill of Exchange with the proper Hand and Name of him the faid John F. to the same Bill of Exchange fubscribed, bearing Date the fame Day and Year abovesaid, and directed the same Bill of Exchange to the abovenamed John B. by the Name of Mr. John B. at the Sign of the Queen's Arms in Saint Martins. And the same John F. by the same Bill of Exchange, required the aforesaid John B. to pay to the aforesaid Christopher, by the Name of Mr. Christopher N. Guardian

to Mrs. Hannah B. upon Account of Money by him the faid John F. received as Attorney to the same Hannah B. fo foon as he the faid John B. should receive the Bill by the aforesaid John F. to the same John B. sent, drawn upon one Mr. 7ohn H. and Company the Sum of forty Pounds of current English Money, and that he should place it to Account. And the same Christopher in Fact says that afterwards, to wit, on the tenth Day of August, in the Year of our Lord abovefaid, at London aforesaid, in the Parish and Ward aforesaid, he the said John B. accepted the aforesaid Bill of Exchange in due manner, and according to the Use of Merchants aforesaid, from the whole Time above faid used and approved upon fight of the fame Bill of Exchange; and the fame Christopher further in Fact fays that afterwards, to wit, the twentieth Day of the faid Month of August, in the Year of our Lord abovefaid, at London aforesaid, in the Parish and Ward aforesaid, he the said John B. received from the aforesaid John H. and Company the Money contained in the faid Bill fent to the aforefaid John B. and drew upon the aforesaid John H. and Company, as is before mentioned; by reason of which said Premisses he the

l

u

A

WY

ar

an

fu

fa

no

d

e

e

-

£

h

e

e

18

b

e;

in

10

of

e-sh B.

H.

in B.

H.

d;

he he the aforesaid 70hn B. according to the Use and Custom of Merchants aforesaid, from the whole Time above faid used and approved, became chargeable, and was, and now is chargeable to pay to the same Christopher the aforesaid forty Pounds in the Bill of Exchange aforefaid first abovementioned, contained acsording to the Tenor of the same Bill of Exchange; and thereupon the aforesaid John B. being so chargeable in Consideration of the Premisses, afterwards, to wit, the same Day and Year last mentioned, at London aforesaid, in the Parish and Ward aforesaid, assumed upon himself, and to the same Christopher, then and there faithfully promised that he the aforesaid John B. the aforefaid forty Pounds in the Bill of Exchange aforesaid contained to the same Christopher, when afterwards he should be thereunto required, would well and faithfully pay, and content. Yet the aforesaid John B. his Promise and Assumption aforesaid in Form aforefaid made not regarding, but contriving, and fraudulently intending the same Christopher in this Particular craftily and lubtilly to deceive and defraud, the aforclaid forty Pounds, or any Penny thereof to the same Christopher hath not paid, nor him for the same hitherto in any 0 4 Man-

The Clerk's

Manner hath contented (although to do this the aforesaid John B. afterwards, to wit, the same Day and Year last abovementioned, at London aforesaid, in the Parish and Ward aforesaid, by him the faid Christopher was requested;) but that to him he hath hitherto entirely refused to pay, or for the same in any manner to content, and as yet refuses. And also whereas the aforefaid John B. afterwards, to wit, on the fame Day and Year last mentioned, at London aforesaid, in the Parish and Ward aforefaid, was indebted to the fame Christopher in another forty Pounds of lawful Money of Great Britain, for fo much Money of him the faid Christoper, by him the said John B. for the same Christopher, and to the Use of him the faid Christopher before that Time had and received; and thereupon being so indebted — as before — Yet the aforesaid John B. his faid last mentioned Promise and Asfumption in Form aforesaid made, not regarding — as above. Whereupon the fame Christopher says that he is worsted, and hath Damage to the Value of forty Pounds: And thereupon he brings his Suit.

Defendant being Indebted for Money received for the Use of the Plaintiff, promised to pay.

Yet.

Middle

of

al

te

W

at

In

of

be

to

F

on

in

fe

afi

fre

ha

ra

af

Pa

fai

M

of

fai

Pa

the

Pa

m

mo in

lia

y

;)

1-

le

et

e-

ne

at

nd

he

12,

iid

B.

he

ore

nd be-

his

Af-

not

is Va-

he

ldle-

Middlesex, to wit. Foseph G. complains (9.) of Martha B. Widow, Administratrix of Upon a Bill of all and fingular the Goods and Chat- Exchange tels, Rights and Credits, which were of against the William B. her late Husband, deceased, of the Drawat the Time of his Death, who died er, the Bill me Intestate in the Custody of the Marshal being accepted. of the Marshalley of our Lord the King, before the King himself being, for that, to wit, That whereas the aforesaid Joseph and William, and one Richard D. on the twenty-eighth Day of January, in the Year of our Lord one thousand seven hundred and thirty-one; and the aforesaid Foseph and Richard always from that Time afterwards hitherto have been, and yet are Persons separately using Commerce, to wit, the aforesaid William B. at Barbadoes, in Parts beyond the Seas, and the aforefaid Richard at the Parish of Saint Martins in the Fields, in the County of Middlesex aforesaid, and the aforesaid Foseph at London, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape. And him the said William B. so at Barbadoes, in Parts beyond the Seas, as is before mentioned, residing and using Commerce, he the same William afterwards, in the Life-time of him the faid William, to wit, the same Day and Year above

th

he

pl: vio

h

wa of

the at of

An

wa

he

req

cha

the

fo

air

am

he

enti

Vill

0

mer

he

Not

niff

Life

Cus

he

ppr

ind

ame

above mentioned, at Barbadoes afore. faid, in Parts beyond the Seas, according to the Use and Custom of Merchants and other Persons at Barbadees aforesaid, in Parts beyond the Seas, refiding and using Commerce, and among Merchants and other Persons, at the Parish aforesaid, in the County of Middlesex aforesaid, residing and using Commerce, from the whole Time of the contrary whereof is not used and approved of in the Memory of Man, made four feveral Bills of Exchange, with the proper Hand and Name of him the faid William B. to the same four feveral Bills of Exchange fubscribed for one and the same Sum of Money, bearing Date the same Day and Year above said, and directed the fame four feveral Bills of Exchange fo as is before mentioned to be made, and subscribed to the aforesaid Richard, by the Name of Mr. Rich. D. in Charles Court in the Strand, London; and the same William B. by the first of the same Bills of Exchange, required the aforesaid Richard sixty Days after Sight of that his first Bill of Exchange, his fecond, third, and fourth not being paid, to pay to the aforesaid Joseph, by the Name of Joseph G. Merchant in London, or his Order, the Sum of two hundred Pounds Sterling, being for two hundred and twenty Pounds received there

ed-

T-

es

e-

ne d-

n-

he

p.

in, ze,

m

le-

ne

ng id,

of

be

aid

D.

073;

irst

red

ter

ge,

ing by

wo

WO

ved

nere

there of Will. C. and that at that Time he should make good Payment, and place the same to Account, as by Advice; whereof the aforesaid Richard, in: he Life of the aforesaid Will. B. afterwards, to wit, on the twenty-third Day of April, in the Year of our Lord one housand seven hundred and thirty-two. at the Parish aforesaid, in the County of Middlefex aforefaid, had Notice. And the Bill of Exchange aforefaid was then and there shewed to him, and he same Richard was then and there equired to accept the same Bill of Exchange, and to pay to the same Joseph he aforesaid two hundred Pounds in the forefaid first Bill of Exchange conained, according to the Tenor of the ame Bill of Exchange; to do which he aforesaid Richard then and there entirely refused, whereof the aforesaid William B. afterwards in his Life-time, wit, the fame Day and Year last mentioned, at the Parish aforesaid, in be County of Middlesex aforesaid, had Notice. By reason of which said Prenisses, the aforesaid William B. in his Life-time, according to the Use and Cultom of Merchants aforesaid, from he whole Time abovefaid used and pproved, became chargeable, and was, nd now is chargeable to pay to the ame Joseph the aforesaid two hundred Pounds

Sa

uf th

he

hu

70

the

fai

afo

an De

wh

all

Ri

afo

his

the

La

mi

Wil

afor

triv

lam

and

afor

any

have

ther

tent

altl

1077

aid

faid

Pounds in the faid first Bill of Exchange

contained, according to the Tenor of the same Bill of Exchange. And thereupon the aforesaid William B. being so chargeable in Consideration of the Premisses afterwards, to wit, on the same Day and Year last mentioned, at the Parish aforesaid, in the County of Middlesex aforesaid, assumed upon himfelf, and to the same Joseph then and there faithfully promifed to pay to the same Joseph the aforesaid two hundred Pounds in the faid Bill of Exchange contained, according to the Tenor of Inteffate being the same Bill of Exchange. And alfo Indebted in bis whereas the aforefaid William B. in his Life-time, to wit, on the same Day and oed for the Use Year first above-mentioned, at the Parish aforesaid, in the County of Middlesex aforesaid, was indebted to the same Foseph in two hundred and twenty Pounds of lawful Money of Great Britain, for fo much Money of him the faid Joseph, by him the faid Wil liam B. in his Life-time for the same Foseph, and to the Use of him the said Foseph before that Time had and received; and thereupon being fo indebted the aforesaid William B. in his Life time in Confideration thereof afterwards to wit, on the same Day and Year first

above-mentioned, at the Parish afore

Life-time for Money veceiof the Plaintiff, promised to pay.

ge

of

re-

fo

re-

me

the

of

im-

and

the

lred

nge

r of

alfo

n his

and

rish

lefex

ame

enty

reat

him

Wil

ame

faid

ecei-

oted

Life

ards

first

fore

faid, in the County aforefaid, assumed upon himself, and to the same Foseph then and there faithfully promifed that he the said Will. B. the aforesaid two hundred and twenty Pounds to the fame Toleph, when afterwards he should be hereunto required, would well and faithfully pay, and content. Yet the aforesaid William B. in his Life-time, and the aforefaid Martha after the Death of him the faid William B. (to which faid Martha Administration of all and fingular the Goods and Chattels, Rights and Credits, which were of the aforesaid William B. at the Time of his Death, at the Parish aforesaid, in he County aforesaid, in due Form of Law was committed) the feveral Promifes and Assumptions of the aforesaid William B. in his Life-time, in Form aforesaid made, not regarding, but contriving and fraudulently intending the ame Foseph in this Particular craftily and fubtilly to deceive and defraud the foresaid several Sums of Money, or any Part thereof to the same Joseph have not paid, neither hath either of hem paid, or in any manner have conented, or either of them contented although to do this the aforesaid Wiliam B. in his Life-time, and the aforcfaid aid Martha, after the Death of him the

at

B

be

al

H th

ch

th

th

fai

R

the

w

6 an aft

Da

abo

Par

afo

and

to

cor

and the

afo

mei ther

cep

and tain

Not

the faid William B. to wit, on the fire Day of October, in the Year of on Lord one thousand seven hundred and thirty-two, at the Parish aforesaid, in the County aforefaid, by him the faid Foseph were required;) but that to him they have hitherto entirely refuled to pay, or for the same in any manner to content; and the aforesaid Martha yet refuses to pay that to him. Where upon the same Foseph says that he is worsted, and hath Damage to the Ve lue of three hundred Pounds: And thereupon he brings his Suit.

(10.) Upon an Inland Bill of Exchange against the Drawer, the accepted.

London, to wit. Richard R. complains of Anthony A. in the Custody (as before) for that, to wit, That where as the aforesaid Richard and Anthony, and one John J. on the tenth Day of Bill not being June, in the Year of our Lord one thousand seven hundred and thirty-one, and always from that Time afterward hitherto have been, and yet are Persons feparately using Commerce, to wit, at London aforefaid, in the Parish of Saint Mary of the Arches in the Ward of Cheape; and fo separately using Commerce, the aforesaid Anthony afterwards, to wit, on the tenth Day of June, in the Year of our Lord abovesaid, at London aforesaid, in the Parish and

6-1

TOO

and

aid

to

fed

net

the

ere-

a is

Va-

And

om-

ody

ere

0714

y of

one

one,

ards

fons

, at

aint

d of

fter-

and Ward aforesaid, made a certain Bill of Exchange or Note in Writing, bearing Date the fame Day and Year abovesaid, subscribed with the proper Hand and Name of him the faid Anthony; by which faid Bill of Exchange or Note, the aforesaid Anthony required the aforesaid John, by the Name of John 7. to pay to the same Richard, by the Name of Richard R. upon the twentieth Day of June then next enfuing twenty-two Pounds; which faid Bill of Exchange or Note, so as is before mentioned to be made and fubscribed, the same Richard R. afterwards, to wit, on the eleventh Day of June, in the Year of our Lord abovefaid, at London aforefaid, in the Parish and Ward aforesaid, to the aforesaid John J. presented, and then and there required him the said John to accept the fame Bill or Note, acording to the Custom of Merchants, and to pay to the same Richard R. the aforesaid twenty-two Pounds in the aforesaid Bill of Exchange or Note mentioned; but the aforesaid John then and there entirely refused to accomcept the Bill of Exchange aforefaid, over tained in the same Bill of Exchange or arish Note; of which Premisses the aforesaid Anthoand

f

to

111

be

oi

fe

ar

fai

A

th Si

fai

the

L

W

tor

Ti ufe

Ma

and

aid

wit

and

to t

her

Hen

aid

Mer

who

Anthony afterwards, to wit, on the fame Day and Year last abovefaid, at London aforefaid, in the Parish and Ward aforefaid, had Notice; by reafon of which faid Premisses the aforefaid Anthony became chargeable, and was, and now is chargeable to pay to the same Richard R. the aforesaid Sum of twenty-two Pounds in the Bill of Exchange or Note aforesaid contained; and the aforesaid Anthony, so as is before mentioned, being chargeable, he the faid Anthony afterwards, to wit on the same Day and Year last above faid, at London aforefaid, in the Parish and Ward aforefaid, in Confideration of the Premisses, assumed upon himfelf, and to the above-named Richard R. then and there faithfully promifed that he the aforesaid Anthony the aforesaid Sum of twenty-two Pounds to the above-named Richard would well and faithfully pay and content - for Money had and received for the Plaintiff's Use, as in the former Declaration upon a Bill of Exchange, No (8.) Yet the aforesaid A. — as in N° (1.)

(II.)
Upon a Note sender Defendant's Hand, to Plaintiff's Wife.

London, to wit. Henry B. and Elizabeth his Wife, complain of Simon 7. in the Custody of the Marshal of the Marshalsey of our Lord the King, before

the

at

nd

ea-

re-

ind

to

ım

of

d;

be-

he

vit,

dir

ion

im-

R.

hat

Caid

the

and

for

ain-

tion

Yet

Eli-

17.

the

before

fore the King himself being, for that to wit, that whereas the aforesaid Simon, and the same Henry and Elizabeth, the Wife of him the faid Henry, on the twenty-third Day of January, in the Year of our Lord One thousand seven hundred and thirty, were Persons, and each of them was a Person using Commerce, to wit, at London aforesaid, in the Parish of Saint Mary of the Arches, in the Ward of Cheap. And fo there using Commerce, the aforesaid Simon, afterwards, to wit, on the afore-faid twenty-third Day of January, in the Year of our Lord abovesaid, at London aforesaid, in the Parish and Ward aforefaid, according to the Cuftom of Merchants, from the whole Time of the contrary whereof is not used and approved in the Memory of Man, made a certain Note in Writing, and with the proper Hand of him the aid Simon subscribed the same Note, with the Name of him the faid Simon 7. and by the same Note promised to pay the aforesaid Elizabeth, then and here, being the Wife of him the said Henry, ten Pounds upon Demand, by eason of which said Premisses the aforeaid Simon, according to the Custom of Merchants aforesaid used, from the whole Time abovefaid, as is before related,

W

in

the

in it

OI

ef aic

Ot

he

5

lai

sb

cci

rei

mcis

d

ke

1

ofe

th

5 0

t

uef

lated, became chargeable, and was and now is chargeable to pay to the same Henry and Elizabeth the afore faid ten Pounds, contained in the Note aforefaid, according to the Te nor and Effect of the same Note. And being to chargeable, the aforefaid Simon in Confideration of the Premisses. afterwards, to wit, on the aforesaid twenty-third Day of January, in the Year of our Lord abovesaid, at London aforefaid, in the Parish and Ward afore faid, assumed upon himself, and to the same Henry and Elizabeth, then and there faithfully promised, that he the aforesaid Simon the aforesaid ten Pounds to the fame Henry and Elizabeth, when afterwards he fhould be thereunto required, would well and faithfully pay and content. Yet the aforesaid Simon in no wife regarding his Promise and Assumption aforesaid, in Form afore faid made, but contriving and fraudulently intending craftily and fubtilly to deceive and defraud the fame Hemy and Elizabeth in this Particular, the aforefaid Ten Pounds, or any Penny thereof to the same Henry and Eliza beth, or either of them, hath not paid nor them or either of them for the illie fame hath hitherto contented (altho pril to do this, the aforesaid Simon, after a s wards,

Tet.

as,

the

rethe

Te-

ote.

Said

ffes,

faid

the

don

ore-

the and

the

unds

hen

o re-

pay 17201

and

fore

udu

ly to

lenry

the

enny

liza paid,

rards,

wards, to wit, on the same Day and Year abovefaid, at London aforefaid. in the Parish and Ward aforesaid, by them the faid Henry and Elizabeth was required) but he hath hitherto enirely refused to pay that to them, or ther of them, or in any Manner to ontent them for the fame, and as yet efuses, to the Damage of them the aid Henry and Elizabeth of Ten ounds: And thereupon they bring heir Suit.

Sussex, to wit. Edward L. com- (12.) lains of William H. in the Custody - Against an before, for that to wit, that whereas Inn keeper for coording to the Law and Custom of a Mare loft. te Realm of our Lord the King of reat Britain, Inn-keepers, who keep mmon Inns to entertain Men who is by those Parts where such Inns are, d who lodge in the fame, are bound keep their Goods and Chattels both Day and by Night, being within ofe Inns without Diminution or Loss; that by Default of the faid Inn-keeps or their Servants, Damages shall t by any Means happen to their paid tests. And whereas the aforesaid the illiam before the eleventh Day of althouril, in the fixth Year of the Reign of after a faid Sovereign Lord George the Se-P 2

cond, now King, and on the same ele: venth Day of April, in the abovesaid fixth Year of the Reign of our faid Lord the King kept, and yet keeps and holds a certain common Inn in Heathfield, in the County aforesaid, and Todged him the faid Bdward as his Guest on the same eleventh Day of A pril, in the fixth Year abovefaid, in the Inn of him the faid William of Heath field aforesaid, in the County aforesaid Yet certain Malefactors unknown to him the faid Edward, on the aforesaid eleventh Day of April, in the fixth Year abovefaid, at Heathfield aforefaid in the County aforesaid, took and led away One Mare of him the faid Ed ward, of the Price of Twelve Pound of lawful Money of Great Britain found, and being within the Inn of the aforesaid William, under the Custody of the same William, at Heathfield afore faid, in the County aforesaid, in De fault of good keeping of the faid Wi liam and his Servants. And the aforesail William hath then and there brough upon the fame Edward other Enorm ties, contrary to the Law and Custon aforesaid: Whereupon the same E ward fays that he is worsted, and hat Damage to the Value of twenty Pound And thereupon he brings his Suit.

Surre

0

(att

A

CO

th

Bi

hir

fid

ful

fan

1111

and

tair

Pri

fou

the

Wil

in t

Cor

fore

Hor

the

200

afor

and faid,

Mar

le-

aid

aid

and

th-

and

his

A.

the

ath-

faid.

to

faid

fixth

said.

led

Ed

und

tain

f the

ly o

fore

De

Wil

efai

ugh

orm

fton

E

hat

und

urre

Surrey, to wit. William M. complains For riding a bired Mare for of Samuel D. in the Custody, ____ bard, that she (as before) for that, to wit, that whereas died. the same William, on the first Day of April, in the third Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at the Parish of Saint Mary Magdalen Berdmondsey, in the County aforesaid, at the special Instance and Request of him the faid Samuel, for, and in Confideration of three Shillings, of lawful Money of Great Britain, to the same William, by the abovenamed Samuel, then and there paid, had hired and delivered to the same Samuel a cerain Mare of him the faid William of the Price of Twenty Pounds, then being found and in good Plight, to ride from the then Mansion-House of him the said William, situate in the Parish aforesaid, in the County aforesaid, to Eaton in the County of Bucks, and from Eaton aforesaid unto the aforesaid Mansion-House of the same William, to deliver the Mare on the same Day, in safe and good Plight to the same William. The aforesaid Samuel so inordinately rode, and fo negligently kept the Mare aforehid, in the Journey aforesaid, that the Mare aforesaid, afterwards, to wit, on

Year abovefaid, at the Parish aforesaid, in the County of Surrey aforesaid, by the Occasion thereof died, to the Damage of him the said William of Twenty Pounds: And thereupon he brings his Suit.

e

th

fo

M

ti

fa

VE

al

he

A

ga

in

So

M

las

af

to

the

Se

tic

70

Se

VO.

hir

of

fajo

and

For enticing away and detaining Plaintiff's Apprentise.

John D. complains Sullen, to wit. of Thomas P. and Mary his Wife, in the Custody of the Marshal of the Marshalley of our Lord the King, before the King himself being, for that, to wit, that whereas one John P. the Son of the aforesaid Thomas P. by his certain Indenture, bearing Date on the twelfth Day of January, in the Second Year of the Reign of our Sovereign Lord James the Second, late King of England, at Lewes in the County aforefaid, was justly and lawfully retained and placed in the Service of him the said John D. after the Manner of an Apprentice, to be instructed in the Art of a Cordwainer, which the aforesaid 70hn D. then used, until the End and Term of seven Years, from thence next enfuing, and fully to be compleat and ended. And the same John P. served for the Space of four Years next after the aforesaid twelfth Day of January, in the fecond Year abovefaid, in the Service, ird

id,

by

)a-

nty

his

ins

in

he

be-

at,

the

his

the

nd

ign

of

re-

red

the

an

Art

aid

ind

ext

ind

red

ter

ry,

the

ice,

Service of him the faid John D. in his Art aforesaid, as an Apprentice, whereby the same John D. got, and obtained divers great Gains and Profits from the Labour and Service of him the faid John P. his Apprentice aforesaid, in his Art aforesaid. Nevertheless the aforesaid Mary not ignorant of the Premisses, but contriving craftily and subtilly to deceive and defraud him the faid John D. of the Service of his Servant and Apprentice aforesaid, and of all Profit, Advantage and Gain which he the same 70hn D. by reason of his Apprentice aforesaid, should have and gain on the fourteenth Day of June, in the third Year of the Reign of our Sovereign Lord William, and Lady Mary, now King and Queen of England, at Lewes aforesaid, in the County storesaid, knowing the aforesaid 70hm P. to be the Apprentice and Servant of him the faid 70hn D. and retained in his Service after the Manner of an Apprentice, procured and enticed him the faid John P. to depart, and elope from the Service of him the faid John D. and voluntarily and with Force took away him the said John P. against the Will of him the faid John D. from the said Service of him the faid John D. and detained and kept him the faid P 4 Fohn

John P. from the aforesaid fourteenth Day of June, in the third Year above-said, until the tenth Day of November, in the third Year abovesaid, at Lewes aforesaid, and as yet detains and keeps, whereby the same John D. for the whole Time aforesaid, lost the Service of his Apprentice aforesaid; whereupon the same John D. says that he is worsted, and hath Damage to the Value of Forty Pounds: And thereupon he brings his Suit.

f

8

t

t

li

8

n

tl

bi

to

to

of

bı

As much as
Plaintiff deferved for the
Use of a House.

Kent, to wit. 7. R. complains of T.B. in Custody—as before— T.B. in Custodyfor that, to wit, that whereas the aforefaid T. on the tenth Day of April, in the fourth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at C. in the County aforefaid, in Consideration that the same J. at the Instance of him the faid T. had permitted the fame T. to have the Use and Possession of one Mesfuage, one Garden, and one Orchard, with the Appurtenances of him the faid 7. in Chipfted in the Parish of Chevening aforefaid, in the County aforefaid, for a long Time, to wit, for the Space of One Year and an Half then late elapsed, assumed upon himself, and to the fame 7. then and there faithfully promised

h

6-

7,

es

os,

he

ce

on

ft-

of

egs

of

re-

in

our

OW

the

hat the

to Ief-

ard,

faid

0697-

faid,

pace

late to

ully

promifed to pay to him fo much Money as the same 7. therefore reasonably deserved to have. And the same J. in Fact fays, that he for that Use and Possession reasonably deserved to have of the above named T. the Sum of four Pounds and ten Shillings, of lawful Money of Great Britain, to wit, at Chevening aforesaid, in the County aforesaid, whereof the aforesaid T. on the Day and Year abovesaid there had Notice. Yet the same T. his Promise and Assumption aforesaid, in Form aforesaid made, in no wise regarding, but contriving and fraudulently intending the same J. in this Particular, craftily and fubtilly to deceive and defraud the aforesaid four Pounds and ten Shillings, or any Part thereof to the fame J. hath not as yet paid (although to do this the same T. by him the said J. afterwards, to wit, on the eleventh Day of April, in the abovefaid fourth Year of the Reign of our faid Lord the now King, at Chevening aforefaid, in the County aforesaid, was required) but he hath hitherto entirely refused to pay that to him, and yet refuses to the Damage of him the faid 3. of twenty Pounds: And thereupon he brings his Suit.

Tet.

London,

In confideration the Plaintiff would permit his Apprentice to
feroe the Defendant in a
Ship, Defendant promifed
to pay as much
as Plaintiff
deserved.

London, to wit. Q. B. complains of D. O. in the Custody—as before, for that, to wit, that whereas the aforesaid D. on the twenty-eighth Day of November, in the Year of our Lord One thousand seven hundred and thirty, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, in consideration that the same Q. at the special Instance and Request of the aforesaid D. would permit one Michael H. then and there the Servant and Apprentice of him the faid Q, to serve the aforesaid D. in a certain Ship, whereof the aforesaid D. was then Master, assumed upon himself, and to the aforesaid Q, then and there faithfully promised, that he the same D. so much Money as he the same 2. for the Service of his Servant and Apprentice, for fuch Time as the same Apprentice should serve the aforesaid D. as is before related, should reafonably deferve to have, to the fame Q. would well and faithfully pay and content. And the same Q. in Fact says, that he the same Q. believing the faithful Promise and Assumption of the aforesaid D. in Form aforesaid made, did permit the aforesaid Michael H. being the Servant and Apprentice of him the

al

a

la

th

(f

ch

tic

la

th

S

,

1-

d

1.

n

n

e

d

e

e

2

f,

re

le

2.

p-

10

id

a-

10

nd

15,

h-

a-

le,

e-

m

10

hand there must

Mar Sagaret

tera annual

PR 28 20 241

the said Q. as is before related, to serve the aforesaid D. in the Ship aforesaid, from the aforesaid Time of the making the Promise and Assumption aforesaid, for the Space of one Year and five Months then next enfuing, to wit, at London aforefaid, in the Parish and Ward aforesaid. And that he the same 2. therefore reasonably deserved to have of the aforesaid D. sixty-five Pounds seventeen Shillings and fix Pence, of lawful Money of Great Britain; and thereof, afterwards, to wit, on the twenty-fourth Day of April, in the Year of our Lord One thousand seven hundred and thirty-two, at London aforefaid, in the Parish and Ward aforesaid, to the aforesaid D. he gave Notice. And also whereas the aforesaid D. Defendant beafterwards, to wit, on the same Day ing indebted for Wages for and Year last mentioned, at London the Service of aforesaid, in the Parish and Ward the Plaintiff's aforesaid, was indebted to the same Apprentice, Q. in another Sum of fixty-five Pounds paye feventeen Shillings and fix Pence of like lawful Money, for Seamens Wages, by the above named D. to the same 2. (for the Service of the aforefaid Michael H. being the Servant and Apprentice of him the said Q, as is before related, in another certain Ship, whereof the aforesaid D. was Master) first due and

and unpaid. And thereupon being so indebted—as before—That the Plaintiff and Defendant had accounted together—Yet the aforesaid D. both as in N° (1.)

Defendant being indebted for Seamens Wages, promised to pay.

London, to wit. Michael H. complains of D.O. in the Custodyas before—for that, to wit, that where as the aforesaid D. on the tenth Day of March, in the fourth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, was indebted to the fame Michael, in One hundred Pounds of lawful Money of Great Britain, for Seamens Wages by the above named D. to the same Michael first due, and unpaid. And thereupon being fo indebted, the same D. in Consideration thereof, afterwards, to wit, on the same Day and Year abovefaid, at London aforesaid, in the Parish and Ward aforefaid, assumed upon himself, and to the same Michael then and there faithfully promised that he the same D: the aforesaid One hundred Pounds to the same Michael, when afterwards he should be thereunto required, would well and faithfully pay and content. And

And also whereas the aforesaid D. af- The like for terwards, to wit, on the same Day and Work and La-Year abovesaid, at London aforesaid, in the Parish and Ward aforesaid, was indebted to the same Michael in another One hundred Pounds of like lawful Money, for the Work and Labour, Art and Industry of him the faid Michael, by him the faid Michael, in, and about the Business of him the said D. for the abovenamed D. at the special Instance and Request of him the said D. before that Time made, done and performed. And being fo thereupon indebted as above And also In Confiderawhereas the aforesaid D. afterwards, tion Plaintiff to wit, on the same Day and Year Work for Deabovesaid, at London aforesaid, in the fendant, be Parish and Ward aforesaid, in Conside-promised to pay ration that the aforesaid Michael, at Plaintiff dethe like special Instance and Request of served. him the faid D. had made, done and performed divers other Work, Labour, Art and Industry, in and about divers other Business of him the said D. for the aforesaid D. assumed upon himself, and to the same Michael then and there faithfully promifed, that he the same D. all fuch Sums of Money as he the fame Michael, for his Work, Labour, Art and Industry aforefaid, last mentioned, should reasonably deserve to have to the fame Michael, when afterwards he should

8

d

t.

I

fi

t

tl

fa

W

W

ſa

an th

C.

to

pr

M

fh

th

be

fai

far

R.

Lo

hin

be

fer

should be thereunto required, would well and faithfully pay and content. And the same Michael in Fact says, that he for his Work, Labour, Art and Industry aforesaid, last mentioned, reasonably deserved to have of the same D. another Sum of One hundred Pounds of like lawful Money, to wit, at London aforesaid, in the Parish and Ward aforesaid, whereof the aforesaid D. by the same Michael, then and there had Notice.—That the Plaintist and Desendant had accounted together—Yet the aforesaid D.—both as in No (1.)

(18.)
Defendant being indebted for-Meat,
Drink, Washing and Lodging, promised to pay.

London, to wit. R.O. complains of C. M. in the Custody - as before for that, to wit, that whereas the aforesaid C. on the third Day of Ottober, in the third Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, was indebted to the fame R. in five Pounds of lawful Money of Great Britain, for Meat, Drink, Washing and Lodging for the same C. by him the faid R. and at the special Instance and Request of him the said C. before that Time found and pro-And thereupon being fo indebted,

ed, the same C. in Consideration thereof, afterwards, to wit, on the same Day and Year abovefaid, at London aforesaid, in the Parish and Ward aforesaid, assumed upon himself, and to the fame R. then and there faithfully promised that he the same C. the aforefaid five Pounds to the fame R. when afterwards he should be thereunto required, would well and faithfully pay and content. And also In Considerawhereas the aforesaid C. afterwards, to tion Plaintiff bad found for wit, on the same Day and Year above- Defendant ofaid, at London aforesaid, in the Parish ther Meat, and Ward aforefaid, in Confideration Drink, Washthat the aforesaid R. at the like special ing, Defen-Instance and Request of him the said dant promised C. had found and provided for the same as Plaintiff C. other Meat, Drink, Washing and deserved. Lodging, assumed upon himself, and to the same R. then and there faithfully promised, that he the same C. so much Money as he the same R. for the same should reasonably deserve to have to the same R. when afterwards he should be thereunto required, would well and faithfully pay and content. And the same R. in Fact says, that he the same R. for the Meat, Drink, Washing and Lodging aforefaid last mentioned by him the faid R. as is before related to be found and provided, reasonably deserved to have of the same C. another Sum 4

)

1

1

Sum of five Pounds of like lawful Money of Great Britain, to wit, at London aforesaid, in the Parish and Ward aforesaid, whereof the aforesaid C. by the aforesaid R. then and there had Notice ——for Goods fold and deli--and (a quantum valebant) as much as they were valued at. Yet the aforesaid C.—all as in No (1.)

u

fi

N

fe

afi

tin

Po

Re

wa

fan

Lo

Wa

had fore:

the :

in th fever

at \boldsymbol{L}

Ward

ame

(19.) In Confideration Plaintiff had been the Inteftate's Ser-Life time to pay Plaintiff deserved.

London, to wit. M. B. complains of T. E. and Anne his Wife, Administratrix of all and singular the Goods and Chattels, Rights and Credits which vant, Inteffate were of C. R. deceased, at the Time of promised in bis his Death, who died intestate, in the Custody of the Marshal of the Maras much as be shalfey of our Lord the King, before the King himself being, for that, to wit, that whereas the aforesaid M. in the Life of the aforesaid C. at the special Instance and Request of him the said C. had served the same C. in his Life-Time for a long Space of Time, to wit, from the fourth Day of September, in the Year of our Lord One thousand feven hundred and twenty-eight, till the Eighteenth Day of April, in the Year of our Lord One thousand seven hundred and thirty-two, the aforesaid C. in his Life-time, afterwards, to wit, on the same Day and Year last abovefaid,

faid, at London aforesaid, to wit, In the Parish of Saint Mary of the Arches. in the Ward of Cheap, in Confideration thereof, assumed upon himself, and to the abovenamed M. then and there faithfully promifed, that he the faid C. all fuch Sums of Money as he the faid M. for ferving the aforesaid C. for that Time, as is before related, should reafonably deferve to have, to the fame M. when afterwards he should be thereunto required, would well and faithfully pay and content. And the fame M. in Fact fays, that he reasonably deserved to have for serving the aforesaid C. as is before related, for the Time aforesaid of the same C. in his Lifetime, the Sum of twenty and feven Pounds, of lawful Money of this Realm, whereof the aforefaid C. afterwards, in his Life-time, to wit, on the same Day and Year last abovesaid, at London aforefaid, in the Parish and Ward aforesaid, by him the said M. had Notice. And also whereas the a- The Intestate foresaid C. in his Life-time, to wit, on time being inthe aforesaid eighteenth Day of April, debted for in the Year of our Lord One thousand Work and La-leven hundred and thirty-two abovesaid, to pay. at London aforesaid, in the Parish and Ward aforesaid, was indebted to the ame M. in another twenty and seven Pounds

i-

ds

ch

of he

11he

it,

he ial

aid

ife-

to

ber,

and till

the ven faid

wit,

ove-

said,

Pounds of like lawful Money of this

te

th

te

or

th

ve

at W

Wa

ent

for

An

fus

ma Por

Sui

1

his

gula and

dece

who

char

Realm, for other Work and Labour of him the faid M. by him the same M. for the aforesaid C. in his Life-time, and at the special Instance and Request of him the faid C. before that Time done and performed: And being fo thereupon indebted, the same C. in his Life-time, in Confideration thereof, afterwards, to wit, on the same Day and Year last abovefaid, at London aforefaid, in the Parish and Ward aforesaid, assumed upon himself, and to the same M. then and there faithfully promifed that he the same C. the aforesaid twenty and feven Pounds last mentioned, to the same M. when afterwards he should be thereunto required, would well and faithfully pay and content. Nevertheless, the aforesaid C. in his Life-time, and the aforesaid T. and Anne, after the Death of him the faid C. the feve ral Promisses and Assumptions of the aforesaid C. in his Life-time, in Form aforesaid made, in no wise regarding, but contriving and fraudulently intending the same M. of the aforesaid several Sums of Money in this Particular, craftily and fubtilly to deceive and defraud the aforesaid several Sums of Mo ncy, or any Penny thereof to the same M. have not paid, neither hath either

Nevertbelefs.

f

A

le

6

is

ıf-

nd

re-

id,

ne

fed

en-

to

uld

and

he-

me,

fter

eve-

the

orm ing,

end-

eve-

ular,

1 de-

Mo

(ame

of them paid, or in any Manner have contented, neither hath either of them contented (although to do this the aforesaid C. in his Life-time, and the aforesaid T. and Anne (to which said Anne, then the Wife of the aforesaid T. Administration of the Goods and Chattels which were of the aforesaid C. at the Time of his Death, after the Death of him the faid C. was committed) after the Death of him the faid C. to wit, on the twentieth Day of January, in the Year of our Lord One thousand seven hundred and thirty-two abovefaid, at London aforesaid, in the Parish and Ward aforesaid, by him the same M. was required) but they have hitherto entirely refused to pay that to him, or for the same in any Manner to content. And the aforesaid T. and Anne still refuse to pay that to him, to the Damage of him the faid M. of thirty Pounds: And thereupon he brings his Suit.

London, to wit. John R. and Anne his Wife, Administratrix of all and sin- For Fees of a gular the Goods and Chattels, Rights Clerk in the and Credits which were of Thomas E. Chancery, by deceased, at the Time of his Death, fratrix. who died intestate, complain of Richard J. in the Custody (as before) for ither that,

t

A

h

K

h

fic

th

L

W

an

an

the

he

bo

ree

T.

uni

ful

7.

faic

and

rea

R.

law

of 1

the Day

Defendant being indebted to the Intestate in bis Lifesime, as well for Work and Labour as for Fees promised to pay.

that, to wit, that whereas the aforesaid R. on the twentieth Day of November, in the first Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, was indebted to the same T.E. in his Life-time, in forty Pounds of lawful Money of Great Britain, as well for divers Work and Labour of him the faid T. by him the faid T. in his Life-time, for the same R. and at his special Instance and Request, before that Time done and performed; as also for Clerks Fees of him the faid T. in the Profecution and Defence of divers Suits in the Court of Chancery of our faid Lord the King, by him the faid T. in his Life-time, for the aforesaid R. and at his special Instance and Request before that Time profecuted and defended: And being fo thereupon indebted, the aforesaid R. afterwards, to wit, on the same Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, in Consideration thereof, assumed upon himself, and to the same T. in his Life-time, then and there faithfully promised that he the said R. the aforefaid forty Pounds to the same T. when afterwards he should be thereunto required,

d

7,

ur

W

a-

nt

of E.

Wor

uid

ne, ice

ne ees

ion

urt

ng,

ne,

cial

me

g fo

R.

Day

ore-

aid,

pon

his

ully

ore-

hen

re-

red,

guired, would well and faithfully pay and content. And also whereas the aforesaid T. in his Life-time, to wit, on the same Day and Year abovesaid, at In Confedera-London aforesaid, in the Parish and tate bad done Ward aforesaid, at the like special In- and performed flance and Request of him the faid R. the Defendant, had done and performed for the same be promised to R. divers other Work and Labour of be deserved. him the faid T. the aforefaid R. in Consideration thereof, afterwards, to wit, the same Day and Year abovesaid, at London aforesaid, in the Parish and Ward aforefaid, assumed upon himself, and to the same T. in his Life-time, then and there faithfully promised, that he the faid R. all fuch Sums of Money as he the same T. for his Work and Labour aforesaid, last mentioned, should reasonably deserve to have to the same T. when afterwards he should be thereunto required, would well and faithfully pay and content. And the same 7. and Anne in Fact fay, that the aforelaid T. in his Life-time, for his Work and Labour aforesaid, last mentioned, reasonably deserved to have of the same R. another Sum of forty Pounds of like lawful Money of Great Britain, whereof the aforesaid-R. in the Life-time of the aforesaid T. to wit, on the same Day and Year abovefaid, at London a-Q 3 forefaid,

other Work for

2

I

P

t (

b

a t

ti

fo

Y

fa

W

T

fa.

af

ha

fai

th

fu

A

ha

Po

the

Defendant being indebted out and expanited, promifed to pay.

forefaid, in the Parish and Ward aforefaid, had Notice. And also whereas the aforesaid R. afterwards, to wit, on the fame Day and Year abovefaid, at Lonfor Money taid don aforesaid, in the Parish and Ward aforesaid, was indebted to the same I. in his Life-time in another forty Pounds of like lawful Money of Great Britain, for divers Sums of Money of him the faid T. by him the faid T. in his Life-time for the same R. and at his special Instance and Request before that Time paid, laid out and expended; and being to thereupon indebted-(as before in this Declaration) Yet the aforesaid R. his several Promises and Assumptions aforesaid, in Form aforefaid made, not regarding, but contriving and fraudulently intending the same T. E. in his Life-time, and the aforesaid 7. and Anne after the Death of him the faid T. (to which the faid Anne Administration of all and singular the Goods and Chattels, Rights and Credits which were of the aforefaid T at the Time of his Death, by Thomas by divine Providence Archbishop of Can terbury, Primate and Metropolitan of all England, on the twentieth Day March, in the Year of our Lord On thousand seven hundred and thirty, a London aforefaid, in the Parish and War

e-

he

he

71-

rd

I.

ids

ri-

im

his

his

hat

ed;

the

and

ore-

ıtri-

the

the

eath

faid

ular

and

dT

oma.

Can

n o

ay o

On

Ward aforefaid, in due Form of Law was committed) in this Particular, craftily and fubtilly to deceive and defraud the aforesaid several Sums of Money, or any Penny thereof, to the fame T. E. in his Life-time, or to the aforesaid 7. and Anne, or either of them, after the Death of him the faid T. E. hath not paid, nor them or either of them for the fame in any Manner hath contented (although to do this the aforefaid R. by him the faid T. E. in his Life-time, and by the aforesaid 7. and Anne after the Death of him the said T.E. and the Commission of Administration aforesaid, to wit, on the same Day and Year last mentioned, at London aforefaid, in the Parish and Ward aforesaid was required) But that to the same T. E. in his Life-time, or to the aforefaid 7. and Anne, or either of them, after the Death of him the faid T.E. hath entirely refused to pay, or for the same in any Manner to content, and that to the same J. and Anne still refuses. Whereupon the same 7. and Anne say that they are worsted, and have Damage to the Value of fixty Pounds: And thereupon they bring their Suit.

And

miniftration.

And the same J. and Anne bring here Letters of Ad- Into Court the Letters of Administration aforesaid of the Archbishop aforefaid, which testify the Commission of Administration aforesaid to the same Anne, in Form aforesaid, the Date of which is the Day and Year last abovefaid.

London, to wit. George M. com-

Esquire, and Thomas B. Esquire, Exe-

Against Execufor for Goods plains of Francis L. Baronet, John B.

cutors of the Last Will and Testament of Elizabeth C. Widow, deceased, in the Custody --- as before, for that, to Topatrix being wit, That whereas the foresaid Elizabeth in her Life-time, to wit, on the

indebted, promifed to pay.

twentieth Day of October, in the Year of our Lord one thousand seven hundred and thirty, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, was Indebted to the same George in one hundred Pounds of lawful Money of Great Britain, for divers Goods, Wares, and Merchandizes, by the aforefaid George to the above-named Elizabeth in her Life-time, before that Time fold and delivered; and being fo thereupon Indebted, the same Elizabeth in Consideration thereof afterwards in her Life-time, to wit, in the same Day and i

fi

6

n

a

fe

1 W

A

be

01

at

W

th

fta

E

th

di

di

far

pro

all

W

me

and

nal

aft

qui

and Fac

Me

Year

e

f

e-

nt

in

to

4

he

ear

mid,

of

pe,

10 ney

nds,

orc-

za-

me

erein

her

and lear. Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, affumed upon herfelf, and to the fame George, then and there faithfully promised that she the same Elizabeth the aforefaid one hundred Pounds to the same George, when afterwards she should be thereunto required, would well and faithfully pay and content. And also whereas the aforesaid Eliza- In Considerabeth afterwards in her Life-time, to wit, tiff had fold to on the same Day and Year abovesaid, the Testatrix at London aforesaid, in the Parish and in her Life-Ward aforesaid, in Consideration that Goods, she prothe aforesaid George, at the special In-mised to pay stance and Request of her the said as much as Elizabeth, had fold and delivered to worth. the same Elizabeth in her Life-time. divers other Goods, Wares, and Merchandizes, assumed upon herself, and to the same George, then and there faithfully promised, that she the same Elizabeth all fuch Sums of Money as the Goods, Wares, and Merchandizes aforefaid last mentioned, at the Time of the Sale and Delivery of the same, were reasonably worth to the same George, when afterwards she should be thereunto required, would well and faithfully pay and content; and the same George in Fact fays, that the Goods, Wares, and Merchandizes aforesaid last mentioned, at

at the aforesaid Time of the Sale and Delivery of the same, were reasonably worth another Sum of one hundred Pounds of like lawful Money of Great Britain, whereof the aforesaid Elizabeth afterwards in her Life-time, to wit, on the same Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforefaid, had Notice. And

indebted for Money lent,

Testatrix being also whereas the aforesaid Elizabeth afterwards in her Life-time, to wit, on promised to pay. the same Day and Year abovesaid, at London aforefaid, in the Parish and Ward aforefaid, was Indebted to the same George in forty Pounds of lawful Money of Great Britain, for fo much Money of him the faid George, by him the faid George to the same Elizabeth in her Life-time, and at the special Instance and Request of her the faid Elizabeth before that Time lent, and accommodated; and being fo - as before in thereupon Indebted this Declaration - Yet the fame Elizabeth in her Life-time, and the aforesaid Francis John, and Thomas, after the Death of her the faid Elizabeth, the feveral Promises and Assump tions of her the faid Elizabeth afore said, in Form aforesaid made, not regarding, but contriving, and fraudulent ly intending the same George of the afore

Y

h

fa

9

h

th

A

T

W

he

Va

th

of

of

E.

dy

Tet.

nd

oly

ed

eat

30-

to

ve-

ish

und

eth

on

at

and

the

aw-

fo

rge,

ıme

the

the

ent,

fo

177

ame

the

mas,

izamp-

ore

re-

lent-

the

fore

aforefaid several Sums of Money in this Particular craftily, and fubtilly to deceive, and defraud the aforefaid feveral Sums of Money, or any Penny thereof to the same George have not paid, neither hath either of them paid, or in any manner have contented, or hath either of them contented, (although to do this the aforesaid Elizabeth in her Life-time, and the aforesaid Francis John, and Thomas, after the Death of her the faid Elizabeth, to wit, on the first Day of April, in the Year of our Lord one thousand seven hundred and thirty-one, at London aforesaid, in the Parish and Ward aforefaid, by him the said George was required;) but that to him they have hitherto entirely refused to pay, or for the fame in any manner to content. And the aforesaid Francis John and Thomas that to him yet refuse to pay. Whereupon the same George fays that he is worsted, and hath Damage to the Value of one hundred Pounds: And thereupon he brings his Suit.

London, to wit. G. N. complains (22.) of F. L. J. B. and T. L. Executors Against Exoof the Last Will and Testament of cutors for Work
E. C. Widow, deceased, in the Custody—as before—for that, to wit,

That

Ł

t

V

tl

12

h

P

B

te

th \boldsymbol{L}

W

afi afe

of

34

Wi

lar

anc

Hu

at

Inte

of t

his

dv

of d

Teftatrix being indebted, promised to pay.

That whereas the aforesaid E. in her Life-time, to wit, on the tenth Day of May, in the Year of our Lord one thousand seven hundred and thirty, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, was Indebted to the fame G. in one hundred Pounds of lawful Money of Great Britain, for divers Works and Labours of him the faid G. by him the faid G. in and about divers Bufineffes of her the faid E. for the above-named E. in her Life-time, at the special Instance and Request of the aforesaid E. before that Time made, done, and performed,

In Consideration the Plaintiff bad done the Testatrix in ber Lifetime, She promifed to pay bim as much as be deserved for the same.

and being fo thereupon Indebted as in the next before - And also whereas the aforesaid E. afterwards in other Work for her Life-time, to wit, the same Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, in Consideration that the aforesaid G. had made, done and performed, divers other Works and Labours of him the faid G. in and about divers other Busnesses of her the said E. for the abovenamed E. in her Life-time, at the like fpecial Instance and Request of the aforesaid E. assumed upon herself, and to the same G. then and there faithfully promised, that she the same B. all

r

lt

h

e

e

of

10

10

ıd

id

er

nd

at

48

lso

in

ay re-

id,

G.

ers

the

usi-

ve-

ike

the

and

ith-

E. all all fuch Sums of Money as he the same G. for his same Work and Labour last mentioned reasonably deserved to have, to the same G. when afterwards the should be thereunto required, would well and faithfully pay and content; and the fame G. in Fact fays, that he the fame G. for his Works and Labours last mentioned, reasonably deserved to have another Sum of one hundred Pounds of like lawful Money of Great-Britain, whereof the aforesaid E. afterwards in her Life-time, to wit, on the same Day and Year abovefaid, at London aforesaid, in the Parish and Ward aforesaid, had Notice. Yet the aforesaid E. in her Life-time, and the aforesaid F. 7. and T. after the Death of her the faid E, the feveral Promifes - exact as in the next before.

Tet.

Suffex, to wit. T. P. and H. his (23.) Wife, Administratrix of all, and singu- By an Admilar the Goods and Chattels, Rights against an and Credits which were of N. B. late Executor for Husband of her the faid H. deceased, Work done for at the Time of his Death, who died Intestate, complain of J. A. Executor of the Last Will and Testament of J. A. his late Father, deceased, in the Custody of the Marshal of the Marshalley of our Lord the King, before the King him-

Co

sta

the

an

Bu

the

in

his

an

in

hi

Li

mi

So

far

she

the

be

fai

fan

the

fan

rea

Su

Mo

the

to

abo

Co

in |

wh

afte

himself being, for that, to wit, That whereas the aforesaid J. A. the Father. in his Life-time, to wit, on the twentieth Day of September, in the second Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at Lewes in the County of Suffex aforefaid, was Indebted to the same N. in his Life-time, in fifty Pounds of lawful Money of this Realm, for divers Work and Labour of him the Testator in bis said N. by him the said N. in his Lifetime, in and about divers Business of him

Life-time being indebted

so the Inteffate, the faid 7. A. the Father, and at his promifed to pay. special Instance and Request before that Time done and performed; and being fo thereupon Indebted, the aforesaid 7. A. the Father in Consideration thereof afterwards in his Life-time, to wit, on the same Day and Year abovefaid, at Lewes aforesaid, in the County aforefaid, assumed upon himself, and to the same N. in his Life-time, then and there faithfully promifed, that he the faid 7. A. the Father, the aforesaid fifty Pounds to the same N. when afterwards he should be thereunto required, would well and faithfully pay and content. And also whereas the same N. afterwards, in his Life-time, to wit, on the same Day and Year abovefaid, at Lewes aforefaid, in the County

It

r,

1-

d

n

of

y

0 y

n,

1e

e-

m

is

at

g id

e-

on at

ene

nd

he

id

ıf-

0

ay

he

1e,

ar.

he

ty

County aforesaid, at the like special In- In Considerastance and Request of him the said 7. A. Intestate bad the Father, had employed his Time done other and Labour in and about divers other Work for the Business of him the said 7. A. the Fa- Life-sime, be ther, the aforesaid J. A. the Father, promised to pay in Consideration thereof afterwards in as much as be his Life-time, to wit, on the fame Day fame. and Year abovesaid, at Lewes aforesaid, in the County aforesaid, assumed upon himself, and to the same N. in his Life-time, then and there faithfully promised, that he the said 7. A. the Father, so much Money as he the same N. for his same Work and Labour last mentioned should reasonably deserve to have to the same N. when afterwards he should be thereunto required, would well and faithfully pay and content; and the same T. and H. in Fact say, that he the same N. in his Life-time, for his ame Work and Labour last mentioned. reasonably deserved to have another Sum of fifty Pounds of like lawful Money, whereof the aforefaid J. A. the Father afterwards in his Life-time, to wit, on the same Day and Year abovefaid, at Lewes aforesaid, in the County aforesaid, by him the said N. in his Life-time, had Notice. And also whereas the aforesaid 7. A. the Father afterwards in his Life-time, and in the Life

th

wi

du

Li

aft

(T

all

tel

the

De

La

app

Go

Bif

wh

faic

tec

in

fev

Le

wa

tily

the

or in l

T.

De

paid

nor the

eith

do

The Testator in his Lifetime being indebted for Money laid out and expended, promised to pay.

Life of him the faid N. to wit, on the fame Day and Year abovefaid, at Lewes aforesaid, in the County aforesaid, was Indebted to the same N. in another Sum of fifty Pounds of like lawful Money, for fuch a Sum of Money of him the faid N. by him the faid N. in his Life-time for the same J. A. the Father in his Life-time; and for the Use of him the faid 7. A. the Father, at the like special Instance and Request of him the faid J. A. the Father, before that 'Time paid, employed, laid out, and expended; and being fo thereupon indebted, the aforesaid J. A. the Father, in Confideration thereof, afterwards, in his Life-time, to wit, on the fame Day and Year above faid, at Lewes aforefaid, in the County aforefaid, affumed upon himfelf, and to the same N. in his Life-time, then and there faithfully promifed, that he the faid 7. A. the Father, the aforefaid fifty Pounds last mentioned, to the same N. when afterwards he should be thereunto required, would well and faithfully pay and content. Nevertheless, the aforefaid 7. A. the Father, in his Life-time, and the aforesaid 7. A. the Defendant, after the Death of the aforesaid J. A. the Father, the feveral Promises and Assumptions of the aforesaid 7. A. the Father,

Nevertbeless.

the

wes

was

her

of

N.

the

the

ier,

iest

be-

aid

re-

er-

the

wes

af-

me th-

A.

nds

ien

re-

re-

ne,

A.

ind

he

er,

ther, in Form aforesaid made, in no wife regarding, but contriving, and fraudulently intending the same N. in his Life-time, and the aforesaid T. and H. after the Death of him the faid N. (To which said H. Administration of all, and fingular the Goods and Chattels, Rights and Credits which were of the aforesaid N. at the Time of his Death, by Francis Clerke, Doctor of Law, Commissary or Official, lawfully appointed to the Reverend Father in God Thomas by Divine Permission Lord Bishop of Chichester, in and for the whole Archdeaconry of Lewes, in the faid Diocese of Chichester, on the thirteenth Day of the Month of October, in the Year of our Lord one thousand seven hundred and twenty-nine, Lewes aforesaid, in due Form of Law was committed) in this Particular craftily and fubtilly to deceive and defraud, the aforesaid several Sums of Money, or any Penny thereof, to the fame N. in his Life-time, or to the above-named I. and H. or either of them, after the Death of him the faid N. have not paid, neither hath either of them paid, nor in any manner for the same have they hitherto contented, neither hath either of them contented (although to do this the aforefaid 7. A. the Father, in

in his Life-time, and the aforefaid 7. A. the Defendant, after the Death of him the faid 7. A. the Father, by the abovenamed N. was required, and although to do this the aforefaid J. A. the Defendant, after the Death of him the laid N. to wit, on the twentieth Day of May, in the Year of our Lord one thousand seven hundred and thirty-two, at Lewes aforesaid, in the County afore faid, by the aforesaid T. and H. was required;) but that to the above-named N. in his Life-time, and the aforefaid 7. A. the Defendant, after the Death of the aforesaid J. A. the Father, they have refused to pay, and the above-named 7. A. the Defendant, yet entirely refuses to pay to the above named T. and H. in Delay of the faithful Administration aforesaid. Where upon the fame T. and H. fay that they are worsted, and have Damage to the Value of fifty Pounds: And thereupon they bring their Suit.

Letters of Ad-

And the aforesaid T. and H. bring here into Court the Letters of Administration aforesaid, which testify the Commission of Administration aforesaid to the same H. in Form aforesaid The Date of which are the Day and Year abovesaid.

London, wel

W

gı

ande

un Re

an

du

dec

of

wit

the

MU (

of t

befo

o i

n tl

ever

fore

Mar

hea

he !

und

rea

im

ie fa

athe

le (

ime

4.

m

C-

e-

he

ne

10,

rcvas

red re-

the

Fa-

the

yet ove-

ith-

ere-

hey

the

ring

(24.)

nistrators of

London, to wit. N. J. and M. his Wife, Administrators of all, and sin- By the Admigular the Goods and Chattels, Rights an Adminiand Credits which were of J. J. Aratrix during deceased, at the Time of his Death the Minority of an Infant. unadministred by Susanna 7. deceased, Relict. Executrix of the Last Will and Testament of the aforesaid J. 7. during the Minority of 7. 7. lately deceased, and Anne 7. the Children of the aboresaid 7. J. the Father, with the Will of him the faid 7. 7. the Father, annexed, complain of Samuel C. in the Custody of the Marshal of the Marshalfey of our Lord the King, efore the King himself being, for that Defendant beo wit, That whereas the aforefaid ing indebted for Money received samuel, on the fourth Day of June, for the Use of the Year of our Lord one thousand the Testator, promised to pay. even hundred and thirty-one, at London foresaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of ipon theape, was indebted to the same 7. 7. be Father, in his Life-time, in eight undred Pounds of lawful Money of the im the faid 7. the Father, by him fore relaid Samuel for the same 7. 7. the said other, in his Life-time, and for the and se of him the said 7. before that ime had and received; And being fo ereupon indebted, the aforesaid Sandon, wel in Consideration thereof afterwards R 2

(24)

By the Manito restanting

an decilea-

the Minority

of an inflant.

The like for

Defendant berollhoodeshini m

Alloney recessord

tive Tefferton,

promifed to they

The Clerk's

0

th

G

ar

af

fo 7

an la

be far

fide

the

Lo

WE

ane

his

pro

the

mei

war

WOL tent

faid:

Sann

time

befo

And as b

muel

wards, in the Life-time of the aforefaid 7. 7. the Father, to wit, the same Day and Year abovefaid, at London aforefaid, in the Parish and Ward afore-Christina desing faid, assumed upon himself, and to the same J. F. the Father, in his Life time, then and there faithfully promifed that he the aforefaid Samuel the aforefaid eight hundred Pounds to the same 7. when afterwards he should be thereunto required, would well and faithfully pay and content. And alle Money borrow- whereas the aforesaid Samuel after ed of the Teftawards, to wit, the fame Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, was Indebt ed to the fame J. J. the Father, i his Life-time, lin another eight hunde for the Ule of Pounds of like lawful Money of Great Britain, for fo much Morley of himth faid J. J. the Father, by him the fai 7. in his Life-time, to the same Samue at the special Instance and Request

ifo thereupon indebted - as about That the Tef-In And also whereas the aforela Defendant had Danivel afterwards, to wit, the fan accounted toge Day and Year above said, at Lond :aforefaid, in the Parish and Ward afor tber. daid; had accounted together with t

-alorelaid J. J. the Father, in his Li in Confideration thereof after-

thim the faid Samuel, before that Tim

thent, and accommodated; And being

wards

said

me

don

ore-

the

ife-

pro-

ruel

s to

ould

and

alfo

fter

Year

the

lebt

r, il

dre

rea

1 th

fai

nue

A d

['im

ein

2600

efa

fan

nd

ifo

h t Li

tin

time, of and concerning divers Sums of Money to the same 7. 7. the Father, in his Life-time, from the aforesaid Samuel due, and then being behind, and unpaid, and upon that Account the aforefaid Samuel was then and there found in Arrearage towards the fame 7. 7. the Father, in his Life time, in another eight hundred Pounds of like lawful Money of Great Britain; and being fo found in Arrearage towards the same 7. the aforesaid Samuel in Conideration thereof afterwards, to wit, the fame Day and Year abovefaid, at London aforesaid, in the Parith and Ward aforefaid, assumed upon himself and to the same 7. 7. the Father, in his Life-time, then and there faithfully. promised that he the aforesaid Samuel. the aforesaid eight hundred Pounds last mentioned to the same J. when afterwards he should be thereunto required; would well and faithfully pay and con-

for so much Money of him the ing indebted for laid J. J. the Father, by him the said of the Testator, Samuel from the same J. in his Life-promised to pay. time, to the Use of him the said J.

And being so thereupon indebted

as before Yet the aforesaid Sa- res.

muel his feveral Promises and Assump-

R 3 tions

of

fa

in

he

th

€0

af

F

af

48

afi

110

laf

the

qu

of

the

pai

to

of

for

he

to

W

tha

ma

Por

Sui

MA

into

me

thei

tions aforefaid, in Form aforefaid made, in no wife regarding, but contriving and fraudulently intending the same 7. 7. the Father, in his Life-time, and the above named Sufanna, after his Death, and the same N. and M. after the Death of her the said Susanna, in this Particular craftily and fubtilly to deceive and defraud, the aforesaid several Sums of Money, or any Part thereof to the fame J. the Father, in his Lifetime, or to the above-named Sufanna in her Life-time, after the Death of the aforesaid 7. 7. the Father, or to the fame N. and M. or either of them, after the Death of her the faid Sulanna, (to which faid N. and M. Administration of all and fingular the Goods and Chattels, Rights and Credits, which were of the aforesaid 7. J. the Father, at the Time of his Death unadminifired by the aforefaid Sufanna, Executrix of the Last Will and Testament of the aforefaid 7. 7. the Father, after the Death of her the faid Sufanna, to wit, on the first Day of August, in the Year of our Lord one thousand feven hundred and thirty-two, by Thomas by Divine Providence Archbishop of Canterbury, Primate and Metropolitan of all England, during the Minority of the aforesaid John and Anne, Children le,

nd 7.

he

th.

he bis

de-

ral

eof fe-

ma the

the af-

220,

ra-

and

ich

ier,

mi

cu-

tof

fter

na,

, in

and

mas

ot

itan

y of

tren

of

In Conflict

lik i herra

tida envenda

All Calledy,

ad ad dance

Total by Vir

in The Indian

et literi Fa-

red have

form Greats

ser that sait Plantiff

of the faid Deceased, at London aforefaid, in the Parish and Ward aforefaid, in due Form of Law was committed) hath not paid, nor them, or either of them, for the fame in any manner hath contented (although to do this, the aforesaid Samuel, by the same J, the Pather, in his Life-time, and by the aforefaid Sufanna in her Life-time, and by the above named N. and M. after the Death of her the faid Sulanna, to wit, the fame Day and Year last mentioned, at London aforesaid, in the Parish and Ward aforesaid, was required;) But the aforefaid feveral Sums of Money to the same 7. 7. the Father, in his Life-time, and to the abovepamed Sufanna in her Life-time, and to the same N. and M. after the Death of her the faid Susanna, to pay, or for the fame in any manner to content, he hath entirely refused, and yet refuses. to pay that to the same N. and M. Whereupon the same N. and M. say that they are worsted, and have Damage to the Value of one thousand Pounds: And thereupon they bring their Suit. Gardin anamahan w

And the same N. and M. bring here into Court, as well the Letters Testamentary of the aforesaid J. J. the Father, by which it sufficiently appears to the R 4

the Court here, that the aforesaid Sufanna was Executrix of the last Will of him the faid J. J. the Father, as the Letters of Administration aforesaid which testify the Commission of the Administration aforesaid, to them in Form aforesaid.

t

I

0

0

0

fe

to

h

al

th

fa

an

an

CO

th

Lo

at

IS

per

fay

obt

fon

Te

the

Kin

of. at

Wr

Whereas the aforesaid N. and M. are willing to aver this, that the aforesaid Anne is yet alive, and in full Life, and within the Age of feventeen Years, to wit, at London aforefaid, in the Parish and Ward aforefaid, in honortham ha

the Parish and Ward adoresand the

(25.) In Consideration that the Plaintiff would difcharge out of bis Cuftody, Some Goods which be bad feized by Virthe of a Writ of Fieri Facias, the Defendant tromifed to pay the Money that they were Seized for.

London, to wit. Cornelius Johnson complains of Joseph D. in the Custody - (as before) for that, to wit, that whereas the Chamberlain of the City of London, heretofore, to wit, in the Term of the Holy Trinity, in the first Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, in the Court of our faid Lord the King of the Bench, before Sit Robert Eyre Knight, and others his Companions, Justices of the same Bench at Westminster, in the County of Middlesex, by Judgment of the same Court, had recovered against John W. and Anne his Wife, Executrix of the last Will and Testament of one Alexander E, deceased, as well a certain Debt

16-

III

as

id,

he

in

ire

aid

nd

to

M

O#

dy

hat

ity

the

the

ign

of

aid

Sir his

me

W.

the

lex-

tain

Debt of Three hundred Pounds, as of twelve Pounds which was adjudged to the fame Chamberlain in the fame Court of our faid Lord the King of the Bench, for his Damages that he had by the Occasion of detaining of that Debt of the Goods and Chattels which were of the aforesaid Alexander, at the Time of his Death, in the Hands of the aforefaid John W. and Anne his Wife, being to be administred, to be levied, if they had fo much thereof in their Hands; and if they had not fo much thereof in their Hands, then the Damages aforefaid to be levied on the proper Goods and Chattels of the aforesaid John IV. and Anna his Wife, whereof they were convicted as by the Record and Process thereof in the fame Court of our faid Lord the King, of the Bench aforesaid, at Westwinster aforesaid, remaining, is manifest, and may more fully appear. And the fame Cornelius further fays, that he the faid Chamberlain for obtaining of his Debt and Damages aforefaid, afterwards, to wit, in the Term of Easter, in the Second Year of the Reign of our faid Lord the now King, fued out of the aforesaid Court of our faid Lord the King of the Bench at Westminster aforesaid, by a certain Writ of him our faid Lord the King of

1

6

e

B

2

VY

fa

m fo

SI

fo

be

is Se

an

Ha

An

the

De

if

Wi Ha

mu

of Fieri Facias of and upon the Judg. ment aforesaid, to the Sheriffs of Lon. don aforesaid directed, by which said Writ our faid Lord the King commanded the same Sheriffs of London afore faid, that they cause to be levied on the Goods and Chattels which were of the aforesaid Alexander E. at the Time of his Death, in the Hands of the aforefaid John W. and Anne his Wife, being Executrix of the last Will of the aforefaid Alexander in their Bailywick, as well the aforesaid three hundred Pounds of Debt, as also of twelve Pounds for his Damages, if they should have to much in their Hands; and if they should not have fo much in their Hands, then the Damage aforesaid of the proper Goods and Chattels of them the faid John W. and Anne his Wife. And that they should have that Money before the Justices of our faid Lord the King of the Bench aforefaid, at Westminster aforesaid, from the Day of the Holy Trinity in fifteen Days, to render to the abovenamed Chamberlain of the Debt and Damages aforefaid. And that then they should have there that Writ, which faid Writ, afterwards, and before the Return thereof, to wit, on the thirty-first Day of May, in the Second Year of the Reign of our faid Lord the now

dg.

07-

aid

nd-

e-

On

of

me

reing

re-

as

nds

for

fo

uld

nen

per

aid

hat

ing

Ater

Toly

to

the hat

rit.

be-

the

ond

the

OW

now King, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, was delivered to R. B. Knight, and S. G. Baronet, being then Sheriffs of London aforesaid, in due Form of right to be executed. By Virtue of which faid Writ the same R. B. Knight, and S. G. Baronet, being Sheriffs of London aforcfaid, as is abovementioned, afterwards and before the Return of the same Writ, to wit, on the same Day and Year last mentioned, at London aforesaid, in the Parish and Ward aforesaid, made their certain Warrant, directed to some Serjeant at Mace of the same Sheriffs, by which said Warrant the aforesaid R. B. Knt. and S. G. Baronet, being Sheriffs of London aforesaid, as is abovementioned, commanded the faid Sericant at Mace to levy of the Goods and Chattels which were of the aforefaid Alexander E. deceased, in the Hands of the aforesaid John W. and Anne his Wife, being Executrix of the faid Alexander E. in their Bailywick, the aforesaid three hundred Pounds of Debt, and twelve Pounds of Damages, if the aforesaid John W. and Anne his Wife should have so much in their Hands; and if they should not have so much in their Hands, then the Damage afore-

a

a

tl

P

th

th

th

m

fo

fa

Vi

W

D

Ye

at

rif

the

tha

the

Ma

bei

que

hin

aforesaid of the proper Goods and Chattels of the aforefaid 70hn W. and Anne his Wife, so that they the same Sheriffs should have that Money before the Tuffices of our faid Lord the King, of the Bench at Westminster aforesaid, from the faid Day of the Holy Trinity, in fifteen Days, to render to the abovenamed Chamberlain, of the Debt and Damages aforefaid; which faid Warrant afterwards, and before the Return of the Writ aforefaid, to wit, on the fame thirty-first Day of May, in the Year last abovesaid, at London aforefaid, in the Parish and Ward aforesaid, to the fame Cornelius, then and there, being one of the Serjeants at Mace to the faid Sheriffs of London, was delivered in due Form of Law to be executed; by Virtue of which faid Warrant, he the same Cornelius so being one of the Serjeants at Mace to the ar foresaid Sheriffs, afterwards, and before the Return of the Writ aforesaid, to wit, on the first Day of June, in the abovesaid Second Year of our faid Lord the now King, at London aforefaid, in the Parifh and Ward aforefaid, took and feized, and had in his Custody and Posfession in Execution, for the Damages aforefaid, the Goods and Chattels following, to wit, a Bedftead lined with a Sacknd

nd

ne

re

ıg,

id,

ty,

ve-

nd

ar-

ırn

he

he

re-

id.

re,

to

di-

xe-

ar-

ng

20

ore

vit,

ow Pa-

ind

ofges

fol-

rith

ck-

⁴ Sacking Camlet Furniture, a Feather Bed and Bolster, four Pillows, two Sheets, four Pillowbiers, two Blankets, a Scrutore, a Cheft of Drawers, a Stool, two Cushions, a Shovel, Tongs, Brush, a Parcel of Glass and Earthen Ware; a Coat, a Wastcoat, a Chafingdish, a a little Box, some Books, and other odd things which then and there were the proper Goods and Chattels of the aforefaid John W. and Anne his Wife, and then and there intended to have caused those Goods and Chattels then and there to be appraised and sold, for Payment of the aforefaid twelve Pounds, for the Damages aforesaid: Of which faid Premisses the aforesaid Foseph having Notice, he the faid Foseph, afterwards, to wit, on the aforefaid first Day of June, in the abovefaid Second Year of our faid Lord the now King, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, in Consideration that he the same Cornelius, then and there being one of the Serjeants at Mace, to the aforefaid Sheriffs, fo as is before mentioned, would then and there, at the special Instance and Request of the aforesaid Foseph, discharge the Goods and Chattels aforefaid, by him the faid Cornelius, as is before related Tel

The Clerk's

8

Ol

li

fa

te

fa

fa

W

hi

ot

te

th

W

lu

he

pla

Lo

One

ten

the

of o

Kin

bric

lated to be taken, and feized in Execution for the Damages aforefaid, from that Taking, Seizure and Execution, unto the Possession of the aforesaid John W. and Anne his Wife would relinguish, assumed upon himself, and to the same Cornelius, then and there faithfully promised, that he the said Foseph, twelve Pounds of lawful Money of Great Britain, for the Damages aforefaid, to the same Cornelius; when afterwards he should be thereunto required, would well and faithfully pay and content. And the fame Cornelius in Fact fays, that he the fame Cornelius believing the Promise of the aforesaid Toleph, afterwards, to wit, on the fame Day and Year last abovefaid, at London aforesaid, in the Parish and Ward aforefaid, discharged all the Goods and Chattels aforefaid, by him the same Cornelius, as is before related to be taken, and feized in Execution, from the Taking and Seizure, and Execution aforesaid, and left the Goods and Chattels aforefaid in the Possession of the aforesaid John W. and Anne his Wife. Yet the aforefaid Joseph in no wife regarding his Promise and Assumption aforesaid, in Form aforesaid made, but contriving and fraudulently intending the fame Cornelius in this Particular

Ict.

11-

m

n,

id

e-

to

h-

h,

of

e-

1-

d,

ld

in

MS

id

e

at id

16

n

d

n,

K-

ds

n is

0

9-

e, d-

u-

ar

lar craftily and fubtilly to deceive and defraud, the aforesaid twelve Pounds, or any Part thereof, to the fame Cornelins, hath not paid, nor him for the fame in any Manner hath hitherto contented (although to do this the aforesaid Foseph afterwards, to wit, the same Day and Year last abovesaid, at London aforesaid, in the Parish and Ward aforefaid, by him the faid Cornelius was required) But that to him he hath hitherto entirely refused to pay, or for the same in any Manner to content, and as yet refuses. Whereupon the same Cornelius says that he is worsted, and hath Damage to the Vahe of twenty Pounds: And thereupon he brings his Suit.

Kent, to wit. Edward M. com- In Confideraplains of Henry B. in the Custody of tiff would difthe Marshal of the Marshalley of our charge one Lord the King, before the King himself R. N. (who being, for that, to wit, that whereas at the Plainone Richard N. of Tonbridge, in the tiff's Suit) the County aforefaid, Gentleman, on the promised to tenth Day of April, in the first Year of give the Plainthe Reign of our Sovereign Lord George tiff Satisfasthe Second, by the Grace of God, Debt, or to of Great Britain, France and Ireland, cause the said King, Defender of the Faith, at Ton-delivered again bridge aforesaid, in the County afore- within seven

faird, Days to the Custody of the

Sheriff.

E

6

fe

ä

6

E

fe

st K

bo

A

by She

türá

twe

he

Cor

Bod

bin

ody

Cua

H.

anal Cook in

Andrews at

et the Pilias

sof Sail the Both house to Cl

as halimore

sad set word

liebt, or to

केंग्री करेंद्र भी समय 36 W 16 16 Cara and

> areas, midnas win of profil

· in for one of sie

things!

of on the Plain. the author

-the Alberta file:

but open to

faid, by his certain Writing Obligatory; fealed with the Seal of him the faid R. N. bearing Date the same Day and Year abovefaid, became held and bound to the same Edward in twenty Pounds of lawful Money of Great Britain, to be paid to the faid Edward, when he should be thereunto required; which faid twenty Pounds the aforefaid R.N. to the same Edward did not pay: Whereupon for the Recovery of the aforesaid twenty Pounds, the aforesaid Edward afterwards, to wit, in the Term of Saint Michael; in the fourth Year of our faid Lord the now King had fued out a certain Writ of our faid Lord the King, of Latitat, out of the Court of our faid Lord the King before the King himself at Westminster (the same Court at Westminster in the County of Middlesex, then being) to the then Sheriff of the County of Ken aforesaid directed; by which said Writ the faid Sheriff was commanded to take the abovenamed R. N. if he be v might be found in his Bailiwick, and Here keep him fafely, fo that he should have his Body before our faid Lord the King at Westminster, on Friday next after ith fifteen Days of Saint Martin, to an lord fwer to the abovenamed Edward M. o he e a Plea of Trespass; and also of a Billich of him the faid Edward against him 13 th

ry;

aid

and

and

nds

to

he

ich

N.

ay:

) a-

faid

the

urth

ing

our

at of

ing

nz fter

the

) to

Kem faid

nded

if he

th

the faid Richard for twenty Pounds of Debt, according to the Castom of the Court of our faid Lord the King before the King himfelf to be exhibited; and afterwards, and before the Return of the afore laid Write the aforelaid Middle Misto wit, on the tykentieth bay of November, in the cabovefaid fourth Year of our faid Lord the King Tonbridge aforelaid, in the County forefaid, delivered the Wort to the abienamed then Sheriff of Kent aforein Form of Right to be executed; Wirtue of which faid Writthe fame heriff afterwards and before the Reand of the fame Writ, to wit, on the wenty-first Day of November, in the bevefaid fourth Year of our faid Lord king, at Tonbridge aforesaid, in the County aforefaid, took and arrested the body of him the faid R. Not and held, kept him in Prison under his Cusdy: And the aforefaid R. N. being in Cultody of the abovenamed then Shefunder the Arrest aforesaid, upon be aforesaid Account; the aforesaid and have line of B. afterwards, to with on the King forelaid twenty first Day of November, after the abovesaid fourth Year of our said of an ordathe King; in Consideration that M. o be aforesaid Edward would free and a Bil scharge from the aforesaid Arrest, the hin above-

fe

D

f

W

W

ho

91

- 5

pla

05

25

Da

One

and

and

Fee

App

ty

whe

lent

Lord

thirt

Cou

nigh

fores

fuffic

faid,

abovenamed Richard Nan being Lunden the Arreft aforefaid, from the Caufe at forefairl, assumed upon himself and to the fame Edward, then and there faith fully promised that he the fame Heury would give Satisfaction to the fame Edward, t for the taforefaid Debt of twenty Rounds, or would well and faithfully prodube, furrender, and de liver the Body of him the faid RIM to the dame Sheriff inf Kent aforefail within deven Days then dekt enfuing And the fame Edward in fact lays, that he the fame Edward believing the Pro ra He and a Affirmation bouth a forefail Henry, difterwards torreit, don'thes Sovefaid twenty first Day Of November, in the bibovefaith fourth Nacros in the Lord the King, at Tankridge afonefail, in the County aforefaid, freed and dis charged the abovenamed R. No from the Said Airest, being under the Guste dy of the abovenamed Sheriff, from the Cairle afonelaid a Net the efore faid Henry bis Promise and Assumption aforesaid not regarding A but sontriving and fraudulently, intending the fatt Richard in this Particular, craftily and fubtility to receive and defraud, shall not given Satisfaction to the fame Ed wards for the aforesaid Debt of twent Pounds, not hath delivered or produce

Tet.

evode 4

the Body of the abovenamed Rich. M. the abovenamed then Sheriff, within leven Days hext enfuing, the aforefaid Dicharge of the abovenamed Rich. N. from the Arrest aforefaid, according to his Promise and Assumption aforesaid: Whereupon the fame Edward fays that le is worked, and hath Damage to the Value of thirty Pounds: And thereupon he brings his Suit di uog t bas ni , luch

0

di

10

of

d

4

4 Bi

PA

BH B

19/3

old

tid;

dif

OM

Go.

(Bd

pro

ÇÎN!

ws

AM

and

hatil

Ed

ent

ince

th

Middlesex, to wit. Richard P. complains of John Q. in the Custody ---- For building a (as before) for that, to wit, that where Brewbouse to is the aforesaid Richard on the tenth Damage. Day of July, in the Year of our Lord One thousand soven hundred and thirty, and always afterwards hitherto was and yet is seized in his Demean as of Fee, of and in one Messuage, with the Appurtenances, lituate in the Parish of Saint Giles in the Fields, in the County of Middlesem aforesaid. And also whereas the aforesaid John on the same tenth Day of July, in the Year of our Lord One thousand seven hundred and thirty abovefaid, was possessed of a Court-yard lying in the faid Parish, nigh the aforesaid Messuage of the aforesaid Richard; the aforesaid John fufficiently knowing the Premisses aforeaid, but contriving, and malitiously brurt in-

Brewburge to

the Plaintiff's

intending him the faid Richard in this Particular to oppress, and to deprive the aforesaid Richard of the Use, Benefit and Advantage of his Messuage aforesaid, on the eleventh Day of July, in the Year of our Lord One thousand seven hundred and thirty abovefaid, at the Parish aforesaid, hath dug, erected, built, made, fet up and placed a Brewhouse, in and upon the aforesaid Courtyard of him the faid John, nigh the aforesaid Messuage of the aforesaid Richard, to the Damage of the Messuage of him the faid Richard: And in the Brewhouse aforesaid by him the said Dryage. John, as is before mentioned, to be dug, erected, built, made, fet up, and placed, the same John, afterwards, to wit, on the same eleventh Day of July, in the Year of our Lord one thousand feven hundred and thirty abovefaid, and always afterwards, until the tenth Day of June, in the Year of our Lord One thousand seven hundred and thirtytwo, hath exercised and kept, and hath made and brewed Ale and Drink on divers Days and Times between the aforesaid eleventh Day of July, in the Year of our Lord One thousand seven hundred and thirty abovefaid, and the aforesaid tenth Day of June, in the Year of our Lord One thousand seven hundred 4

CI

h

fa

A

Ca

ne

lo

ele

ou

and

fail

of

dre

am

the

to

fays

mag

Pou

Suit

hundred and thirty-two abovefaid, in the same Brewhouse, and for the whole Time aforesaid hath daily made and kept great Fires in the Brewhouse aforefaid, whereby the Smoak and Steam arifing, coming and happening from the fame Brewhouse, hath on divers Days and Times entered, and come into the aforesaid Messuage of the aforesaid Richard, and by the Occasion aforesaid, hath damaged, worsted and spoiled the faid Messuage of the aforesaid Richard. And also the same Richard, by the Occasion aforesaid, could not have the Benefit of his Messuage aforesaid for a long Time, to wit, from the aforesaid eleventh Day of July, in the Year of our Lord One thousand feven hundred and thirty abovefaid, until the aforefaid Tenth Day of June, in the Year of our Lord One thousand seven hundred and thirty-two aforefaid, in fo ample and beneficial a Manner as he the faid Richard before had, and ought to have; whereupon the same Richard lays that he is worsted, and hath Damage to the Value of Five hundred Pounds: And thereupon he brings his Suit. ben shed there they knewlind

London;

eneral, and delivered to dring, and the

10 fit e-

in e-

at d,

Nrt-

he

i-

ge he

aid

be

ind to

uly,

ind

id,

nth

ord

rty-

ath

On

2-

the

ven the

the

ven

lred

to

W

th

igi

D

O

D

E

fic

ah

wi Bo

an

afc

'n

gu

bet

Da

Po

Su

E

*(3

00

pla

Cu

Ba

the

T

on

in 115

(28.) nish Flies mixt with Drink.

London, to wit. Elizabeth G. Spin-For giving the fter, complains of Charles M. and Jane Plaintiff Spa- his Wife, and Charles P. who is within the Age of one and twenty Years in the Custody of the Marshal of the Manshalley of our Lord the King, be fore the King himself being, for that to wit. That whereas the aforesaid Jane on the twenty fixth Day of Decamben, in the Year of our Lord one thousand seven hundred and thirty-one, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, then being the Wife of the aforesaid Charles M. and the above named Charles P. contriving and maliciously intending to cause the same Elizabeth to languish, by the Cooperation of Poison, they the same Jane and Charles P. on the aforesaid twentyforth Day of December, in the Year of our Lord abovefaid, at London aforefaid, in the Parish and Ward aforesaid, put Spanish Flies, being Poison, into Drink, and caused to be put and mixed together; and that Drink fo mixed with Poison aforesaid in a certain Pot, to the same Elizabeth G. to drink, then and there they knowingly gave, offered, and delivered to drink, and then and there required the same Elizabeth n-

718

妍

m he

-00

at

uid

)e-

ne

ne,

the

ID he

bas

ng,

the

Ĉo.

ane

ty-

cot

ore-

aid,

nto

xed

xed ot,

ink,

ave,

hen

beth

to

to drink the Drink aforesaid so mixed with Poifor, and the fame Elizabeth of the Premisses aforesaid being entirely ignorant, then and there drink that Drink fo mixed with Poilon , by the Operation of which faid Poison in the Diffilonaforefaild for mixed the fame Elizabeth them and there became very fick and was in Danger of Death, and always afterwards hithertor languished with most grievous Diseases in her Body, caused by the Poison aforesaid, and the Operation thereof from the aforefaid twenty-fixth Day of December, in the Year aforesaid, and as yet languishes; whereupon the same Elizabeth fays that the is worsted, and bath Damage to the Value of five hundred Pounds: And thereupon the brings her Sitchen be sell West of discussion

Easter Term, in the third Year of King George. *079 1040 5 m

oined in Marrimory, to the finic Elizar

London, to wit. Elizabeth A. complains of Anthony A. Clerk, in the Upon a Pro-Custody of the Marshal of the Mar- mife of Marshalfey of our Lord the King, before the King himself being, for that, to wit, That whereas the aforefaid Anthony, on the twenty-third Day of December, in the Year of our Lord one thousand feven

fi

6

h

I

tl

t

fe

th

al

fe

ta

ba

th

th

ga

af

le

de

ber

hi

E

he

ac

afc

hai

Eli

wh

Wa

08

tho

264

feven hundred and ten, at London afores; faid to wit in the Parish of Saint Mary of the Archer in the Ward of Cheape, in Confideration that the the fame Elizabeth then and yet being a fingle Personi and unmarried, had then and there, at the special Instance and Re quest of the aforesaid Anthony, affumed upon berfelf, and had promifed the fame Anthony to take the aforefaid Anthony for her Husband, for foom as the fame Anthony should be enabled by Prefermentior otherwise to make fuch a decent Provision for her the faid Eliza beth, as she the said Elizabeth should think lit, raffumed rupon himfelf, and to the fame Elizabeth then and there faithfully promised, that he the fame Anthony would take the above-named Elizabeth for his Wife, and would be joined in Matrimony to the same Elizabeth, fo foon as the fame Anthony should be enabled by Preferment or otherwise to make such a decent Provision for her the faid Elizabeth; as the the faid Elizabeth should think fit. And the fame Elizabeth in Fact fays, that the aforesaid Authory, after the Promise and Assumption aforesaid of him the faid Authory, to wit, on the first Day of October, in the Year of our Lord one thousand seven hundred and feven. fixteen

e

7

9

e

10

A

ed

18

ZY.

91

1e-

4 ld

nd

re

ne ed

be

30-

124

or

rohe

fit.

ys,

the

of

the

our nd

een

fixteem at London aforefaid, in the Parish and Ward aforesaid, was enabled by Preferment, and otherwise, to make fuch a decent Provision for her the said Elizabeth, as she the said Elizabeth thought fit; whereof the same Anthony then and there had Notice. And the fame Elizabeth further in Fact favs. that she the same Elizabeth always afterwards was ready, and offered herfelf to the above-named Anthony, to take him the faid Anthony for her Husband, to wit, at London aforefaid, in the Parish and Ward aforesaid. Yet the aforefaid Anthony in no wife regarding his Promise and Assumption aforefaid, but contriving, and fraudulently intending craftily and fubtilly to deceive and defraud her the said Elizabeth in this Particular, and entirely to hinder the Preferment of her the faid Elizabeth in Marriage, hath not took her the faid Elizabeth for his Wife, according to his Promife and Assumption atorefaid, in this Particular made, and hath refused to be joined to her the said Elizabeth in Matrimony. And also Second Count. whereas the aforesaid Anthony afterwards, to wit, on the third Day of October, in the Year of our Lord one thousand seven hundred and sixteen, at London aforesaid, in the Parish and

C

a ti

G

to

th

M

al

te

ab

Pe

rai

the

the

an

mi

tho

rat

and

the

tha

the

be j

trin

bet

fun

Ward aforesaid, in Consideration that the the same Elizabeth had, at the special Instance and Request of him the faid Anthony, assumed upon herself, and to the above-named Anthony, had then and there faithfully promifed to many the above-named Anthony, when after wards the should be thereunto required by the same Anthony ; the same An thony in Confideration thereof affumed upon himself, and to the above-named Elizabeth, then and there faithfully promised that he the same Anthony would marry the above-named Eliza beth, and be joined to the fame Elizabeth in Matrimony, when he should be afterwards thereunto required. And although the same Elizabeth always after the Promise and Assumption afore faid last mentioned, was ready to many the aforesaid Anthony, to with at London aforefaid in the Parish and Ward aforesaid. Yet the aforesaid Anthony in no wife regarding his Promife and Assumption aforesaid class mentioned, but contriving, and fraudulently in tending craftily and fubtilly to deceive and defraud her the faid Elizabeth in this Particular, and fentirely to hinder the Preferment and Fortune of her the faid Elizabeth in Marriage, hath not married her the faid Elizabeth, and hath

t

d

d

n

ry

T

td

12:

ed

ed

lly

1919

50.

20.

uld

and

ays

ore.

erry

1011-

lard

ONY

and

ned,

in

eive

b in

nder

mild

not

and

hath

hath entirely refused to be joined to her the faid Elizabeth in Matrimony according to his Promise and Assumption aforesaid last mentioned, (although the time Authory afterwards, to with on the twentieth Day of October, in the Year last abovesaid at London aforefaid in the Parish and Ward aforesaid, to do this by her the faid Elizabeth was required) and still refuses to marry her the said Elizabeth, and to be joined in Matrimony to the same Elizabeth. And also whereas the aforesaid Anthony af Third Count. terwards, to wit, on the twenty-fifth Day of November, in the Year last abovefaid, at London aforesaid, in the Parish and Ward aforesaid, in Consideration that the same Elizabeth had, at the special Instance and Request of him the faid Ambony, assumed upon herself, and to the above-named Anthony, promiled to marry the above-named Anthony. The same Anthony in Consideration thereof assumed upon himself, and to the above-named Elizabeth, then and there faithfully promifed that he the same Authory would marry the above-named Elizabeth, and would be joined to the same Elizabeth in Matrimony; and although the fame Elizabeth always after the Promise and Assumption aforesaid last mentioned, was ready

ready to marry the aforesaid Anthony, to wit, at London aforesaid, in the Parish and Ward aforesaid. Yet the aforesaid Anthony in no wife regarding his Promise and Assumption aforesaid last mentioned, but contriving, and fraudulently intending craftily and fubtilly to deceive and defraud her the faid Elizabeth in this Particular, and entirely to hinder the Preferment and Fortune of her the faid Elizabeth in Marriage, hath not married her the faid Elizabeth, nor is willing to be joined to the same Elizabeth in Matrimony, according to his Promife and Assumption aforesaid last mentioned: But the same Anthony afterwards, to wit, on the first Day of January, in the Year of our Lord one thousand seven hundred and fixteen abovefaid, at London aforesaid, in the Parish and Ward aforesaid, hath married one Margery B. then a Widow, and yet alive, and being in full Life, and was then and there joined in Matrimony with the fame Margery; whereupon the same Elizabeth fays that the is worsted, and hath Damage to the Value of five thousand Pounds: And thereupon she brings her Suit.

or and bishorola London,

0

fo

ir

th

G

B

I

th

an

be be

PO

Da

fai

fan

mi

fai

aft

qui

anc

fan

fan

don

afor

stan carı

dive

le

le

g

d

5-

d

1-

d

n

le

e

d

to

n

n

7-

rd

B.

g

re

ie

a-

th

ıd

er

11,

in and on Board the London, to with Q. B. complains of D. F. in the Custody ____ (as be- For the Fraight fore to) was indebted to the fame Q of Goods trans-in thirty Pounds of lawful Money of Archangel to this Realm, for the Fraight of divers London. Goods and Merchandizes (in and lon Board the Ship called the Foseph of London loaded) by him the faid 9, for the same D. and at his special Instance and Request from Archangel in Parts beyond the Seas, to London aforefaid, before that Time carried and transported. And being for thereupon indebted, the same D. in Consideration thereof afterwards, to wit, on the same Day and Year abovefaid, at London aforefaid, in the Parish and Ward aforesid, assumed upon himself, and to the same Q, then and there faithfully promiled, that he the same D. the aforefaid thirty Pounds to the same Q. when afterwards he should be thereunto required, would well and faithfully pay and content. And also whereas the In Considerafame Q. afterwards, to wit, on the tion the Plainsame Day and Year abovesaid, at Lon-other Goods for don aforesaid, in the Parish and Ward the Defendant, aforesaid, had, at the like special In- be promised to stance and Request of him the said D. tiff as much as carried and transported for the same D. be deserved. divers other Goods and Merchandizes

(in

(.or)

f Goods transfe

on the Plain.

tiner Geneta for

-wirls ada va

ווייןנדטפיל.

harring had

or holismous

· an donair an

served frence

.codon.

(in and on Board the aforefaid Ship exiled the Faseph of London loaded) from Archangel aforefaid, in Parts be-For the Seatons yond the Seas, to London aforeshid, he the fame D. in Confideration thereof Archangel to afterwards, to wit, on the fame Day and byear abovelling at London afore faid in the Parific and Ward aforofaid affurned upon himfelf, and to the fame On them and there faithfully promifed that he the aforefaid D. all fuch Sums of Money as the lame Q. for the Braight of the Goods and Merchandizes afore faid last mentioned should reasonably deferve, to have to the same 2, when afterwards he should be thereunto required, would well and faithfully pay and content; and the fame Q, in Fact fays, that he the fame Q, for the Freight of the Goods and Merchandizes afore faid last mentioned, reasonably deserved to have of the fame D. another Sum of thirty Pounds of like Money, whereof the aforesaid D. afterwards, to wit, on the fame Day and Year abovefaid, in Confideraat London aforesaid, in the Parish and Ward aforefaid, had Notice. Add a Count for Work and Labour the Defendant. and so on as before, No (17.)

Security of the late for the late to the late of the l

as bringing of the market and London.

et

de

14 at

St

of

AF

Y St

pf

di

劫

N

h

M

A

th

th

he

Als

af

ng

Pr

W

F

bo.

ip

(b)

-90

he eof

ay

red

idi

ne

d,

ms

he

re-

ly

en

re-

av

act

tht

rea

red

im

re-

vit.

id, ind

ldd

on.

ing the Good London, to wit. William B. complains of Benjamin H. in the Custody For not deliwhereas the aforesaid William, on the Promise, that wenty ninth Day of July, in the Year of our Lord one thousand seven hung Royal to ded and thirty, at Port-Royal, in Fa. London, almaiga in Parts beyond the Seas to with Plaintiff was Landon aforesaid; in the Parish of ready to pay the Saint Mary of the Arches in the Ward Freight for the of Cheape, had, at the special Instance and Request of the effected Bodeli- with the Privered and loaded into, and on Boarda Ship deilled the Hope, whereof the sforesaid B. then and there was Master, divers Goods and Merchandizes of him the faid W. to wit, feven Hogsheads of Muscoundo Sugar, to the Value of one hundred and they Rounds of Lawful Money of Great Britain, and in good Order and good Condition, to be carried and transported by the same B. from the Harbour of Port-Reyal aforesaid to the Port of London, and then and there he the same W. had, at the special Inhance and Request of the aforesaid B. assumed upon himself, and to the abovenamed B. then and there faithfully promised, that he the same W. would well and faithfully pay and content the Freight for the carrying and transportbna ing

were carried from Portcarrying thereof, together mage and Average.

2

4

fa

di

th

Y

af

fa

af

alt

als

rea

for

the

acc

Pri

cor

wit

and

B.

faid

gar

lent

Part

œiv

char of,

thou

Hinc

acco

that

For mot delic-

रिश्लामित रितर

from Port-

Eveloft for the

carrying there-

ing the Goods and Merchandizes afore. faid from Port-Royal aforefaid, unto the Port of London aforesaid, at the the O driver Rate of eight Pounds by the Ton, toot probotion gether with the Primage and Average accustomed to the above-named Bi brings arous he the same B. in Consideration Royal to -la mobrodi thereof afterwards, to wit, on the though the fame Day and Year above faid at Plant f was London aforefaid, in the Parish and rearry to pay the Ward aforefaid, affurned upon himfelf, and to the fame W. then and there of together with the Prifaithfully promifed that he the fame B. the Goods and Merchandizes afore faid from Port-Royal aforefaith unto the Port of London aforefaid would carry and transport, and would there deliver the same Goods and Merchandizes to the fame W. or his Alligns, in as good Order and Condition (the Dangers of the Seas only excepted) as the fame were at the Time of the Loading and Delivery of the fame into and on Board the Ship aforolaid, he the faid W. or his Assigns, paying the Preight for those Goods and Merchandizes of eight Pounds by the Ton, together with the Primage and Average accustomed. And the aforesaid W. in Fact fays, that the aforefaid Goods and Merchandizes aforefaid, at the Time of the Delivery and Loading of the fame inte, and

6-

to

he

0=

ge Bi

ÓA

he

at

nd

lf,

re

ne

re-

to

ore

in

he

ing

aid

ght

of

rith

ed.

ys,

the

and

and on Board the Ship aforesaid, at Port-Royal aforesaid, to wit, at London aforesaid, in the Parish and Ward aforefaid, were in good Order and good Condition, and that afterwards, to wit, on the twentieth Day of December, in the Year of our Lord abovesaid, the Ship aforesaid at the Port of London aforefaid, to wit, at the Parish and Ward aforesaid in Safety arrived; and that although the same W. from that Time always hitherto was ready, and yet is ready to pay to the same B. the Freight for the Carrying and Transportation of the Goods and Merchandizes aforefaid. according to the Rate aforesaid, with the Primage and Average accustomed, acording to the Agreement aforesaid, to wit, at London aforesaid, in the Parish and Ward aforesaid. Yet the aforesaid Tet. B. his Promise and Assumption aforelaid, in Form aforesaid made, not regarding, but contriving, and fraudulently intending him the said W. in this Particular craftily and fubtilly to decive and defraud, the Goods and Merchandizes aforesaid, or any Parcel thereof, to the same W. or his Assigns (although the Danger of the Sea was no Hindrance) hath not as yet delivered, according to his Promise aforesaid in that Particular made (although to do this -

0

I

Al

In

AT

8n

Ag

To Ma

sen

ho

Shi

Nai

the

Or C

on t

folls

hou

aid

App

AVec

100

II go

awf

Koya

touch

what

ofura

or fo

vas.

this the aforesaid B. afterwards, to wit, on the twentieth Day of January, in the Year of our Lord abovesaid, at London aforesaid, in the Parish and Ward aforesaid, by the same W. was required;) whereupon the same W. says that he is worked, and hath Damage to the Value of one hundred and fifty Pounds: And thereupon he brings his Suit.

(32.)Upon a Policy of Assurance for 4 Ship.

London, to wit. Richard D. complains of Peter H. in the Custody of the Marshal of the Marshalfey of our Lord the King, before the King himfelf being, for that, to wit, That whereas the aforesaid Richard on the twentythird Day of June, in the Year of our Lord one thousand seven hundred and thirty, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches in the Ward of Cheape, according to the Use and Custom of Merchants, had caused to be made a certain Writing of Assurance, called Policy of Affurance; in which fair Writing it is mentioned that the afore faid Richard, by the Name of Captain Richard D. as well in his own Name as for and in the Name and Name of all and every other Person or Per fons to whom the same then did, might Sterli Ì.

t d

LS

18 0

y

15

n-

of

ur

elf

eas

ty-

ot

red

vit.

the

ord

ler-

cer

i

Said

ore

or should appertain in part, or in all, did make Affurance, and caused himself. and them, and every of them to be Infured, loft or not loft, to and from Nevis to London, upon the Body, Tackle, Apparel, Ordnance, Munition Artillery-Boat, and other Furniture of and in the good Ship or Vessel called the Adventure, of the Burthen of-Tons, or thereabouts, whereof was Master under God, in that then preent Voyage, C. 7. or whosoever else hould go for Master, in the said Ship, or by whatsoever other Name or Names the faid Ship, or the Master thereof then was or should be named or called, beginning the Adventure upon the faid Ship from and immediately following his Arrival at Newis, and fo hould continue and endure, until the aid Ship with all her faid Tackle, Apparel, and so forth, should be araved at London, and should be there moored at Anchor twenty-four Hours good Safety. And that it should be wful for the said Ship in the said loyage to proceed, and fail to, and Gerling, without further Account to be T 2 given

E

te

bi

P

to

m

Pe

fin,

du

by

and

the

aba

ving

25

afor

the

the

of I

fam

Year

in t

afor

Writ

there

abov

given by the Affureds for the fame, touching the Adventures and Perils which they the faid Assureds were contented to bear, and did take upon them in the same Voyage: They were of the Seas, Men of War, Fire-Enemies, Pirates, Rovers, Thieves, Jettizons, Letters of Mart, and Counter-Mart, Surprizals, Takings at Sea, Arrests, Restraints, and Detainments of Kings, Princes, and People of what Nation, Condition, or Quality foever, Barratry of the Master, and Mariners, and of all other Perils, Losses, and Misfortunes that had or should come to the Hurt Detriment, or Damage of the faid Ship and fo forth, or any Part thereof: And in Case of any Loss or Misfortune, it should be lawful to the Assured, their Factors, Servants, and Affigns, to fue labour, and travel for in and about the Defence, Safeguard, and Recovery the faid Ship, and so forth, or any Part thereof, without Prejudice to the fair Infurance, to the Charges whereof the faid Affurers would contribute each on according to the Rate and Quantity of his Sum, in the faid Writing of Affir fame rance assured. And it was agreed by the Insurers, that that Writing or Po the I licy of Assurance should be of as much fider Force and Effect, as the furest Writing

ae,

rils

ere

no

ere

es,

ns,

ırt,

le-

gs,

on,

try of nes

urt.

hip

And

, il

neir

fue

the

7 0

art

faid

the

on

y o

Mu

1 6

Po

rück

tin

: 0

or Policy of Assurance, then before made in Lombard-street, or in the Royal Exchange, or elsewhere in London. And they the faid Affurers were contented, and did thereby promise and bind themselves, each one for his own Part, his Heirs, Executors and Goods, to the Assureds, their Executors, Administrators and Assigns, for the true Performance of the Premisses, confefing themselves paid the Consideration due to them for the same Assurance, by the said Captain Richard D. at and after the Rate of nine Pounds by the hundred; and in case of Loss to abate ten Pounds by the hundred, having warranted to depart with Convoy, as by the same Writing of Assurance aforesaid may more fully appear. And the same Richard D. says, that after the Writing, and making the Writing of Assurance aforesaid, to wit, on the ame twenty-third Day of June, in the Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, the aforesaid Peter H. had Notice of the Writing of Assurance aforesaid; and thereupon the same Peter H. on the ame twenty-third Day of June, in the abovesaid Year, at London aforesaid, in the Parish and Ward aforefaid, in Consideration that the aforesaid Richard D. T 3

te

Y

d

6

fe

C

to

0

F

ar

fo

D

L

fa

yo

fa

jed

E

Ki

tal

ca

tol

of

ch

the

of

Wi

the

Lo

W

fan

then and there, at the special Instance and Request of the aforefaid Peter H. had paid to the same Peter four Pounds and ten Shillings of lawful Money of Great Britain, for the Assurance of fifty Pounds, by him the faid Peter H. according to the Tenor and true Intent of the fame Writing of Affurance, the aforesaid Peter assumed upon himself, and to the abovenamed Richard, then and there faithfully promised, that he the same Peter would become an Affurer to the same Richard for the aforefaid fifty Pounds, according to the true Intent and Meaning of the Writing of Assurance aforesaid; and that he the same Peter to the same Richard would well and faithfully perform and fulfil all and fingular the Premisses in the Writing of Assurance aforesaid, mentioned on the Part of the Affurers aforefaid to be performed and fulfilled, and then and there fubscribed the Writing of Assurance aforesaid, that he was contented with the Assurance aforesaid for the faid fifty Pounds. And the aforefaid Richard in Fact fays, that the Ship aforesaid, afterwards, to wit, on the first Day of November, in the Year of our Lord abovefaid, arrived in the Voyage aforesaid, at Nevis aforesaid, in Parts beyond the Seas, and that afterwards, CO

H.

ids

of

of H.

he

elf,

en he

AF

re-

of

the uld

161

the

enore-

and

was

aid

ore-

hip

the

of

the

aid,

at-

rds,

terwards, to wit, on the same Day and Year last abovefaid, the Ship aforesaid departed from Nevis aforefaid, in Parts beyond the Seas, in the Voyage aforefaid, towards London aforefaid, with Convoy, and that the Ship aforesaid, together with its Tackle, Apparel, Ordnance, Minution-Boat, and other Furniture of the same Ship, afterwards, and before her Arrival at London aforesaid, to wit, on the twenty-second Day of November, in the Year of our Lord above faid, in the Voyage aforefaid, from Nevis aforefaid, in Parts beyond the Seas, towards London aforesaid, upon the high Sea, by the Subjects of Lewis the King of France, an Enemy of our Sovereign Lord the now King, in a certain Man of War was taken, arrested, carried away, and became, and was made a Prey, and was totally destroyed and lost, and became of no Use or Value to the same Richard, to wit, at London aforesaid, in the Parish and Ward aforesaid; whereof the aforesaid Peter, afterwards, to wit, on the first Day of January, in the Year of our Lord abovefaid, at London aforefaid, in the Parish and Ward aforesaid, had Notice. And the same Richard then and there required the aforesaid Peter to pay to the same Richard T 4

Nevertbelefs.

STATE OF STATE

Richard the Money aforesaid, by him the faid Peter, fo as is before related to be affured, with the Abatement, according to the Form and Effect of the Writing of Assurance aforesaid. Nevertheless the aforesaid Peter in no wife regarding his Promise and Assumption aforesaid, in Form aforesaid made, but contriving, and fraudulently intending the same Richard in this Particular craftily and fubtilly to deceive and defraud, hath not paid forty and five Pounds of the aforefaid fifty Pounds, in case of Loss, as is before related to be paid, or any Penny thereof to the fame Richard, nor him for the fame in any Manner hath hitherto contented (although to do this the aforefaid Peter, afterwards, to wit, on the same Day and Year last abovesaid, at London aforesaid, in the Parish and Ward aforesaid, by him the said Richard was required); but he hath hitherto entirely refused to pay that to him, or in any Manner to content him for the fame, and still refuses; whereupon the same Richard says that he is worsted, and hath Damage to the Value of fixty Pounds: And thereupon he brings his Suit and assen Double beit will and takedy, and a lare radius so

office and of the or by Whereas

1

t

f

bi

n

W

a

١

P

A

ta

ra

ev

no

Po

So P

ap

lat

afi

m

ed

IC-

he

er-

ife

on

out

ng lar de-

ive ds,

to the

e in

ted Pe-

me

1011-

ard

was rely

any

me,

ame

and ixty

his

reas

Whereas the same Richard is willing to aver this, that he the same Richard, on the aforefaid feveral times of making of the Promise and Assumption aforefaid, and at the time of the Loss aforefaid was interested in the Ship aforesaid, to the Value of five hundred Pounds and upwards, to wit, at London aforesaid, in the Parish and Ward aforesaid.

London, to wit. Mary D. complains of Peter H. in the Custody — (as Upon a Policy before to) -----had caused to be made of Assurance a certain Writing of Assurance, com- for Goods in a monly called a Policy of Affurance, by which faid Writing of Affurance the aforesaid Mary, as well in her own Name, as for and in the Name and Names of all and every other Person or Persons, to whom the said Writing of Affurance did, might, or should appertain in Part, or in all, did make Affurance, and caused herself, them, and every of them to be infured, lost or not lost, to and from Barbadoes to any Ports or Places in Africa, (and so on as in the next before - or in the Policy to)——and does more fully appear. Of which faid Writing of Afsurance aforesaid, so as is before related to be made, the same Peter, afterwards, to wit, on the aforesaid twenty-

The Clerk's

f

1

t

0

afi

y

ra

V

m

in

G

M

th

Vo

Pla

ter

Lo

thi

Or

oth

andiz

wa

Sea

to t

faid

faid

wit,

twenty-seventh Day of June, in the Year of our Lord One thousand seven hunred and twenty-eight abovefaid, at London aforefaid, in the Parish and Ward aforefaid had Notice. And thereupon the same Peter, then and there, in Confideration that the aforefaid Mary, at the special Instance and Request of him the said Peter, then and there had paid to the same Peter four Guineas of lawful Money of Great Britain, for the Infurance of fifty Pounds upon the Premisses aforesaid, in the Writing of Affurance aforefaid abovementioned, and had assumed upon herself, and to the aforesaid P. had then and there faithfully promifed to perform all and fingular the Things in the Writing of Affurance aforesaid above contained, on the Part of her the faid Mary to be performed, affumed upon himfelf, and to the same Mary, then and there faithfully promised, that he the same Peter all and fingular the Premisses before mentioned and contained in the Writing of Assurance aforesaid, on the Part of him the faid Peter to be performed, would well and faithfully perform; and then and there subscribed the Writing of Affurance aforefaid, that he was contented with the Affurance aforesaid, for the aforesaid fifty Pounds.

le

n

at

d

e-

in

y,

of

ad

of

for

he

of

ed,

to

ere

of

ed, be

and

ere

me be-

the

the

per-

perbed

aid,

ffu-

fifty

nds.

Pounds. And the fame Mary in Fact lays, that the Ship aforesaid in the aforesaid Writing of Assurance abovementioned, afterwards, to wit, on the twentieth Day of July, in the Year of our Lord One thousand seven hundred and twenty-eight abovefaid, departed from Berbadoes aforefaid, in Parts beyond the Seas, in the Writing of Assurance aforefaid abovementioned, in the Voyage aforefaid, in the same Writing mentioned, towards Africa aforesaid, in Parts beyond the Seas, with divers Goods and Merchandizes of her the faid Mary, loaded on board her. And that the fame Ship in failing in the fame Voyage, and before her Arrival at any Place or Port in Africa, to wit, on the tenth Day of May, in the Year of our Lord One thousand seven hundred and thirty-one, with her Tackle, Apparel, Ordnance, Artillery, and the aforesaid other Furniture of the Ship aforefaid, and with all the Goods and Merchandizes aforefaid, loaded on board her, was entirely drowned and lost in the Sea, and became of no Use or Value to the same Mary, to wit, at London aforesaid, in the Parish and Ward aforefaid. Of all which faid Premisses aforefaid, the aforefaid Peter, afterwards, to wit, on the fifth Day of May, in the Year

The Clerk's

Year of our Lord One thousand seven hundred and thirty-two, at London aforesaid, in the Parish and Ward aforefaid, had Notice, and was then and there required to pay to the same Mary forty and five Pounds of the aforefaid fifty Pounds, as is before related to be assured, the Remainder thereof being to be abated in Respect of the Loss aforesaid. And although the same Mary hath well and faithfully performed all and fingular the things in the Writing of Affurance aforesaid, contained on her Part to be performed. Nevertheless—as in the next before to the End—And thereupon she brings her Suit.

Nevertbelefs.

Trinity Term in the fifth and fixth Year of King George the Second.

(I.)
For Goods fold
and delivered. Cooke.

In the Common Pleas.

Oxon, to wit: Thomas M. late of Biffer, in the County aforesaid, Yeoman, was attached to answer to Richard E. of a Plea of Trespasson the Case. And where upon the same Richard, by John Egerton his Attorney, complains, that whereas the aforesaid Thomas on the first Day of Ottober, in the fourth Year of the Reign

of our Lord the now King, at Bissuer afore-

te

al

fa

R

fo

di

aff

R

m

mi

M

Ti

d

y

d

e

1-

11

g

n e-

be

er

th

'nÛ

3if

an,

. ot

areton

eas

of

ign

litet

ore-

aforesaid, was indebted to the same Richard, in ten Pounds of lawful Money of this Realm, for divers Wares and Merchandizes to the abovenamed Thomas by him the faid Richard before that Time fold and delivered: And thereupon being so indebted, the aforefaid Thomas, afterwards, to wit, on the fame first Day of October, in the fourth Year abovefaid, at Bissier aforefaid, in Confideration thereof, affumed upon himself, and to the same Richard then and there faithfully promised that he the aforesaid Thomas the same ten Pounds to the same Richard, when afterwards he should be thereto required, would well and faithfully pay and content. And also whereas the aforesaid In considerati-Thomas, afterwards, to wit, on the on that the aforesaid first Day of October, in the fold to the Defourth Year abovefaid, at Biffiter afore-fendant other faid, in Consideration that the same Defendant Richard, at the special Instance and promised to pay Request of him the faid Thomas had as much as fold and delivered to the same Thomas worth. divers other Wares and Merchandizes. assumed upon himself, and to the same Richard then and there faithfully promised, that he the aforesaid Thomas so much Money, as the same Wares and Merchandizes last mentioned, at the Time of the Sale and Delivery of the fame,

fame, were reasonably worth, to the same Richard would well and faithfully pay and content. And the same Richard in Fact fays, that the fame Wares and Merchandizes last mentioned, at the Time of the Sale and Delivery of the fame were reasonably worth another ten Pounds of like lawful Money of this Realm, to wit, at Bissier aforefaid, whereof the aforefaid Thomas then and there had Notice. Nevertheless the aforesaid Thomas his several Promifes and Assumptions aforesaid in no wife regarding, but contriving and fraudulently intending the same Richard in this Particular craftily and Subtilly to deceive and defraud, the aforesaid several Sums of Money, or any Penny thereof to the same Richard hath not paid, or in any Manner contented (although to do this the aforefaid Thomas, afterwards, to wit, on the tenth Day of October, in the fourth promifed to pay Year abovefaid, and oftentimes afteras much as wards, at Billiter aforesaid, by the same Richard was required) but that to him he hath hitherto entirely refused to pay, or in any Manner to content, and as yet doth refuse, to the Damage of him the faid Richard of

thirty Pounds: And thereupon he brings

his Suit.

Nevertbeless.

t confidencesi-

od that the

Plaintiff had

feel to the De-

tendant other

direct

Borret,

8

in

at

of

Щ

ne

P

fo

U

T

uf

af

an

G

ar

ne

th

bo

th

be

be

fai In

pa be

A

W

bra will mar

Borret.

e

ly

4

es

ae ne er

of 8

as

8-

al

in ad

j-

nd

2-

10

rd

n-

e.

on

th

erhe

at

re-

n-

he of

igs

et,

Suffex, to wit. T. M. late of Lewes (2.) in the County aforesaid, Yeoman, was Defendant beattached to answer to R. E. of a Plea ing indebted for Money resof Trespass on the Case. And where ceived for the upon the same R. by A. B. his Attor-Use of the Plaintiff, proney, complains—(as before to)—mised to pay. was indebted to the same R. in ten Pounds of lawful Money of this Realm. for Money by the aforefaid T. for the Use of him the said R. before that Time had and received. And thereupon being so indebted—(as above) -And also whereas the aforesaid T. The like for afterwards, to wit, on the same Day Money borand Year abovefaid, at Lewes afore- Plaintiff. aid, was indebted to the same R. in another ten Pounds of like lawful Money, for Money by the aforesaid T. of the abovenamed R. before that Time borrowed, had, and received. And thereupon being so indebted (as before) And also whereas (as The like for before) ------for Money by the afore- Money paid said R. for the same T. and at his special for the Defen-Instance and Request, before that Time paid and expended — And thereupon being so indebted — as before — And also whereas the aforesaid T. afterwards, to wit, on the same Day and Year

The Clerk's

That the Plaintiff and Defendant had accounted together.

of the

tel bay.

heat where

the Defen-

Year abovesaid, at Lewes aforesaid, had accounted with the abovenamed R. concerning divers Sums of Money to the same R. by the aforesaid T. before that Time due, and then being behind and unpaid: And upon that Account the aforesaid T. was found in Arrearage towards the same R. in another ten Pounds of like lawful Money of And thereupon being fo this Realm. found in Arrearage, the aforesaid T. afterwards, to wit, on the same first Day of Ottober, in the fourth Year abovefaid, at Lewes aforefaid, in Confideration thereof, assumed upon himfelf, and to the abovenamed R. then and there faithfully promifed, that he the aforesaid T. the same ten Pounds last mentioned, to the abovenamed R. when afterwards he should be thereto required, would well and faithfully pay and content. Nevertheless the aforesaid T. his several Promises-(as in the next before to the End) And thereupon he brings his Suit.

Thompson.

In consideration Sussex, to wit. John B. late of A. on that the in the County aforesaid, Gentleman, Plaintiss was attached to answer to Francis G. bim, be would pay him twelve Guineas, two being paid in Part.

Esquire,

by

W

fir of

Ki

ve

Fr

far

im

For of

Foi

con

rati the

the

to f

for

ón

then

he t

calle

Pour

facti

lam

shou

and

the f

English Tutor.

d,

R.

to

re

nd

int

II-

er

of

fo

T.

rft

a-

ısi-

m-

en

he

ads

R.

eto

lly

2-

A.

an,

ire,

Esquire, of a Plea of Trespass on the Cafe. And whereupon the same Francis by M.W. his Attorney, complains, that whereas the aforesaid 70hn, on the first Day of March, in the fixth Year of the Reign of our present Lord the King at A. took, and carried away divers Timber Trees of him the faid Francis, for which faid Trespass the ame Francis did intend to fue and implead the same John; and the said John having Notice of that Intention of him the faid Francis, the same John, afterwards, to wit, on the feond Day of March, in the fixth Year abovesaid, at A. aforesaid, in Consideration that the aforesaid Francis, at the special Instance and Request of him the said John, would desist or forbear to fue and implead him the faid John for the Trespass aforesaid, assumed upon himself, and to the same Francis then and there faithfully promifed, that he the same John twelve Pieces of Gold called Guineas, of the Value of twelve Pounds and twelve Shillings, in Satisfaction of the aforesaid Trespass to the ame Francis, when afterwards he hould be thereto required, would well and faithfully pay and content. And G. the same Francis in Fact says, that he believing the Promise and Assumption

0

tu

IP

9

do

Sw

on

M

pli

afi

of

die

Da

the

at

of .

of

ting

Hai

the

the

And

pro

twe

of i

lue.

Nevertheless.

of him the said John, at the said instance and Request of the aforesaid John, from the Time of the Promise and Affumption of him the faid John, hath hitherto forbore, and yet forbears to fue and implead the aforefaid 70hm for the faid Trespass. And the same John two Pieces of Gold called Guineas, of the Value of two Pounds and two Shillings, Part of the aforesaid twelve Pieces of Gold called Guineas, to the same Francis afterwards paid Nevertheless the aforesaid John in no wife regarding his Promise and Assumption aforesaid, as to the other ten Pieces of Gold called Guineas, of the Value of ten Pounds and ten Shillings, of lawful Money of this Realm, being the Remainder of the aforesaid twelve Pieces of Gold called Guineas; but contriving, and fraudulently intending the same Francis in this Particular, eraftily and fubtilly to deceive and defraud the aforesaid ten Pieces of Gold called Guineas, being the Remainder of the aforesaid twelve Pieces of Gold called Guineas, or any Part thereof, to the same Francis hath not paid, or for the same in any Manner hath contented, although the same John by the fame Francis, afterwards, to wit, on the tenth Day of March, in the fixth Year abovesaid, and oftentimes before and

1-

id

fe

n,

irs

bn

ne

uind

uid

as,

id

no

1p-

en

he

gs,

ing

lve

but

ing

ar,

de-

old

der old

to

for

ent-

the

on

xth

ore

and

and afterwards, at A aforefaid, was required thereto: But that to him he hath hitherto entirely refused to pay, or for the same in any Manner to content, and as yet doth refuse, to the Damage of him the faid Francis forty Pounds: And thereupon he brings his Suit prole woken I sa

London, to wit. T. L. late of London, Merchant, was attached to an Upon a Profwer to M. W. of a Plea of Trespass misory Note on the Case; And whereupon the same Plaintiff. M.W. by J. H. his Attorney, complains, that whereas the aforefaid T. after the first Day of May, in the Year of our Lord One thousand seven hunded and five, to wit, on the twentieth Day of July, in the Year of our Lord one thousand seven hundred and thirty-one, at London aforefaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheap, made a certain Note in Writing, called a Promissory Note, with the Hand and Name of him the faid T. to the fame Note Subscribed, bearing Date the same Day and Year last mentioned. And the same T. by the same Note promised to pay one M. N. or Order, twenty-five Pounds, upon the first Day of Navember then next enfuing, for Vahe in the faid Note mentioned to be received. And the aforesaid M. N. to whom

indorfed to the

Se

fe

D

de

àf

M

of

fo

fa

th

R

T

ed

the

the at W

of,

lan

pro

tio Wa

WO

ten

in d

avi

bir

whom or whose Order the Payment of the aforesaid Money in the said Note contained, and by the faid Note was fo appointed to be made, afterwards, and before Payment of the Money contained in the said Note, to wit, on the first Day of August, in the Year of our Lord abovesaid, at London aforesaid, in the Parish and Ward aforesaid, by his certain Indorfement upon the fame Note, with the proper Hand of him the faid M. N. to the faid Indorfement subscribed, appointed the Contents thereof to be paid to the aforesaid M. W. or his Order, for Value in the faid Indorfement mentioned to be received. By Reason of which said Premisses, and by Force of the Statute in fuch Case thereof lately made and pro-vided, the aforesaid T. became charge able, and was, and now is chargeable to pay to the same M. W. the aforesaid twenty-five Pounds in the faid Note contained, according to the Tenor of the fame Note, and the Indorsement thereon made. And thereupon the aforesaid T. being so chargeable, in Confideration of the Premisses, afterwards, to wit, on the fame Day and Year last mentioned, at London aforefaid, in the Parish and Ward aforesaid, affumed upon himself, and to the same M.W. net ived. And the storetaid M. M. to

140 1V

f

e

o

d

n-

16 ır

d,

by

ne

m

fe-

on-

aid

the

re-

re-

in

10-

ge-

ble

faid

lote

of

nent

e a-

Con-

ards.

laft

the

med

I.W.

then

then and there faithfully promised to pay to the same M. W. the aforesaid twenty-five Pounds contained in the Defendant befaid Note. And also whereas the afore- ing indebted faid T. afterwards, to wit, pnothe fame for Money laid Day and Year last mentioned, at Logs out and ex-don aforesaid, in the Parish and Ward mised to pay. aforesaid, was indebted to the same M.W. in another twenty-five Pounds of lawful Money of Great Britain, for fuch a Sum of Money of him the faid M. W. by him the faid M. W. for the aforesaid T. and to the Use of him door to tought. as for the faid T. at the special Instance and Request of him the faid T. before that Time employed, laid out and expend-And thereupon being so indebted, the aforefaid T. afterwards, to wit, on the same Day and Year last mentioned, at London aforesaid, in the Parish and Ward aforefaid, in Confideration thereof assumed upon himself, and to the same M.W. then and there faithfully promised that he the aforesaid T. the aforefaid twenty-five Pounds last mentioned, to the same M. W. when afterwards he should be thereto required, would well and faithfully pay and content, And also whereas (as above) The like for was indebted to the fame M.W. Money lens. in another twenty-five Pounds of like awful Money of Great Britain, for fo bins

Fronk done,

prote ifed to

P.14.

The Cleves

t

d

8

9

a fi

d d

L

in

b

In

G

Ga

M

at

Sa

B

h

m On

M

at

of

bi

m

gı

fo much Money by him the faid M.W. to the fame T. at the like special in Rance and Request of him the faid ? before that Time lent and accommo dated. And thereupon being to indebt ed___as above ___Nevertheles the aforefaid T. as in No (1.) to the Endot be debni savi hi I in marther twen

(5.) Defendant being indebted as well for Goods bought, as for Work done, promised to pay.

Kent, to wit. George E. late of (as before to) ____ complains, that whereas the aforelaid George, on the feventeenth Day of June, in the third Year of the Reign of our Lord the prefent King, at H. aforelaid, was indebted to the fame John in two hundred Pounds, i of lawful Money of this Realm, as well for divers Wares and Merchandizes by him the faid George, of the same John, before that Time bought, had and received, as also for Work and Labour of him the faid 70hn, in and about divers Businesses of him the faid George, by him the faid John, for the same George, and at his special Instance and Request before that Time done and performed. And thereupon being so indebted, he the faid George, in Confideration thereof, afterwards, 160 wit, on the fame Day and Year abovefaid, at H. aforefaid, assumed upon himself, and to the fame John then and W.

In-

T.

10-

bt-

es

1.)

hat

the

ird

re-

bt-

red

his

ind

ge,

me

for

hn,

im

50,

ial

me

on

ge,

to

ve-

on

en

nd

and there faithfully promised, that he the faid George the aforefaid two hundred Pounds to the fame 70bz, when afterwards he should be thereunto required, would well and faithfully pay and content. And also whereas the aforefaid George, afterwards, to wit, on the fame seventeenth Day of June, in bad fold other the third Year of the Reign of our faid Lord the present King, at H. aforesaid, in Consideration that the aforesaid 7ohn, before that Time, at the like special miled to pay instance and Request of him the said as much as George, had fold and delivered to the fame George divers other Wares and Merchandizes of him the faid John, and had worked and laboured for the amo George in and about divers other Businesses of him the said George, asfumed upon himself, and to the same John then and there faithfully promised, that he the said George, not only so much Money as the Wares and Merchandizes aforelaid last mentioned, at the Time of the Sale and Delivery of the same were reasonably valued at, but also so much Money as he the said John reasonably deserved to have for his Work and Labour aforesaid last mentioned to the same John, when afterwards he should he thereunto required, would well and faithfully pay U 4 and

In confideration Plaintiff Wares to Defendant, and bad done other Work for bim, Defendant proz the same were worth.

Acres From Part 3

PAINIFF

Eggio mille

fine factor for to

turd mendil

and guy bre.

曲

60

H

W

Gai

hi

w

fai

70

the

he

WE

An

afti

Da

Ye

pre

fide

wh

flan

Fol

deli

one

Mo

him

then

he t

dred

fame

hou

AL

6: 6

days of Total Control

took fold other

Waves in Do-

fundant, and

rights theb but

water balling is

M. Lika

CARRY ACTES T

ing for their

- DANK ASSES TOWN

and content. And the fame John in Fact fays, that the Wares and Merchans dizes aforefaid last mentioned, at the Time of the Sale and Delivery of the fame, were reasonably worth one hundred and four Pounds of like lawful Money of this Realth, and that he for his Work and Labour aforefaid last mention ed, reasonably deserved to have from the fame George another one hundred Pounds of like lawful Money of this Realm, whereof the aforefaid George from him the faid John then and there had Notice. Nevertheless the aforesaid George, as in No(ii) agreed and our min

(6.)
Indebted to the
Wife while
fole, and sued
after Marviage.

Defendant being indebted to
Plaintiff's
Wife while
fingle, for
Money lent
him, promised
to pay ber.

Merchandizes of Devonsbire, to wit. John B. late of Keen in the County of Decom afore faid, Yeoman, was attached to answer to Thomas B. and Margaret his Wife, of a Plea of Trespassion the Case, And whereupon they the same Thomas and Margaret, by J. H. their Attorney, complain, that whereas the aforefaid John on the first Day of May, in the third Year of the Reign of our Lord the present King, at Keen aforesaid, was indebted to the fame Margaret, while the was fole, in one hundred Shillings, of lawful Money of this Realm, for fo much Money of the same Margaret, while she was fole, by the

n

1+

10

le

11

0-

us

į.

ne

ed

115

ge

re

id 1

te

re+

ret

fe,

se.

ias

34)

bit he

ord

id.

et,

æd his

he

by the

6: 6

I hat the De

had makes?

discounted colib

the Plaintiff's

side colife

with.

the aforefaid John before that Time borrowed, thad and received And being fo indebted, the aforefait fohu, in Confideration thereof, afterwards, to with on the fame Day and Year abovefaid, at Keen aforefaid, affurned upon himfelf, and to the fame Margaret; while she was fole, athen and there faithfully promised, that he the fame John the same one hundred Shillings to the same Margaret, when afterwards he should be thereto required, would well and faithfully pay and content. And also whereas the aforesaid John, afterwards, to wit, on the fame first In Considera-Day of May, in the abovefaid third wife while Year of the Reign of our Lord the fole had lent present King, at Keen aforesaid, in Con- Defendant one bundred Shilideration that the aforesaid Margaret; lings, Defenwhile the was fole, at the special In- dant promised fance and Request of him the faid to pay. John before that Time, had lent and delivered to the fame John, another one hundred Shillings of like lawful Money of this Realm, assumed upon himself, and to the same Margaret. hen and there faithfully promifed, that the faid John the aforesaid one hundred Shillings daft mentioned, to the ame Margaret, when afterwards he hould be thereto required, would well and faithfully pay and content And alfo

10

I

th

CE

di

do

the

to

th

of

the

aft

the

001

the

at

tha

wa.

Ma

Ma

hat

er :

fam

yet

the

fort

brin

Marie .

That the Defendant bad accounted with the Plaintiff's Wife while fole.

also whereas the aforesaid John, after wards, to wit, on the fame first Day of May, in the abovefild third Year of the Reign of our faid Lord the prefent King, at Keem aforefaid, had accounted together with the abovenamed Margaret, while the was fole, concerning divers other Sums of Money to the fame Margaret, by the aforesaid John before that Time due and payable and upon that Account the aforefaid John was found in Arrearage toward the same Margaret while she was fole in another one hundred Shillings of like lawful Money of this Realm. And be ing fo found in Arrearage, the afore faid Fohn, afterwards, to wit, the fame Day and Year abovefaid, at Keen afore faid, in Consideration thereof, affumed upon himself - (and so on as in the Count before) - Nevertheles the aforesaid John in no wife regarding his feveral Promises and Assumptions & forefaid, in Form aforefaid made to the fame Margaret while the was fote, but contriving and fraudulently intending the fame Margaret while the was fole, and the aforesaid Thomas and Marga ret, after the Marriage celebrated be tween them in this Particular, craftily and fubtilly to deceive and defraud the aforefaid feveral Sums of Money, or any OHA III)

Nevertheless.

בי ברסוונים לבי

a Confidera-

white could

trail had o

Delinidant one

- Sad & Assistand

ings, Bofen

n Plaintiff's

of

of

ni

ed

11:

ng

he

W,

e;

aid

ds

le,

ké

De:

re

me

Te:

160

in

lef

ing

\$ 20

the

but

ing

ole;

rga-

be

tily

the

10

any

100

fing a Limb, by subsect the

Plaint f's

Ground evers

any Penny thereof to the same Margajet, while the was fole, or to the fame Thomas and Margaret, or either of them, after the Marriage between them celebrated, hath not paid, nor them, or other of them for the same in any Manner hath contented (although to do this the aforefaid John, as well by the same Margaret while she was fole, wit, on the fecond Day of May, in the abovefaid third Year of the Reign of our Lord the prefent King, as by them the said Thomas and Margaret, after the Marriage celebrated between them, to wit, on the first Day of Nonember, in the abovesaid third Year of the Reign of our Lord the present King, at Keene aforesaid, was required) but that to the same Margaret while she was fole, or to the same Thomas and Margaret, or either of them, after the Marriage celebrated between them, hath hitherto entirely refused to pay, or them, or either of them for the ame in any Manner to content, and yet refuses, to the Damage of them the said Thomas and Margaret, of forty Pounds: And thereupon they bring their Suit. You zi male do your to deferred and the deep from from the

finte Ciole into the Lifett aforefault sur

which the the way or bone to be Kent,

fi

W

t

E

C

W

Ca

th

th

a

th

da

No

rai

an

the

an

Ac

for

fai

fai

for

afo

tak

Ru

An

led

first Yea

the

fent

Wa

For not cleanfing a Ditch, by which the Plaintiff's Ground was drowned.

any Penny thereof to the fitter lifered-Kent, to wit. J. P. late of Weft Peckham, in the County aforesaid, Husbandman, was attached to answer to P. 7. of a Plea of Trespass on the Cafe. And whereupon the fame P. by R. H. his Attorney, complains, that whereas the aforefaid P. on the first Day of April, in the third Year of the Reign of our Lord the present King, was possessed, and yet is possessed of, and in one Close of Land called Collier's Mead, in W. P. aforesaid, for a certain Term of Years then and yet to come, And whereas the aforesaid 7. was likewise possessed, and yet is possessed of and in one other Close, of Land, and a certain antient Ditch to the same Close last mentioned belonging, and appertaining in W. P. aforesaid, and separating and dividing the aforesaid Close called Collier's Mead, and the Close of him the faid J. And also whereas the Rain-Water, and other Water descending and flowing unto, and in and upon the aforefaid Close, called C. M. ought, and was accustomed (from the Time whereof the Memory of Man is not to the contrary) to descend and run down from the fame Close into the Ditch aforesaid, for discharging, and to put out that Water from

est

d,

rer

he

by.

nat irst

he

ng,

of.

er's

ain

ne.

was

Ted

nd,

me

and

fe-

aid

the

also

her

ito,

ofe,

om-

Me-

ary)

the

for

ater

rom

from the faid Close called C. M. And whereas for/the whole Time aforefaid. the aforesaid F. and all them whose Estate he has of and in the aforesaid Close and Ditch of him the faid 7. were wont and accustomed to take care to cleanse the aforesaid Ditch, lest the Water descending and running from the faid Close called C. M. into the fame Ditch, should flow back from that Ditch, and should overflow and damage the aforesaid Close called C.M. Nevertheless the aforesaid 7. not igno- Nevertheless. rant of the Premisses, but contriving, and fraudulently intending to damage. the fame P. in his Close and Lands, and to deprive him of all Benefit and Advantage of the faid Ditch on the aforesaid first Day of April, in the abovefaid third Year of the Reign of our faid Lord the present King, at W. P. aforesaid, permitted sixty Perches of the aforefaid Ditch to stand, and not to be taken care of; and with Earth and Rubbish to be filled and stopped up: And fixty Perches of that Ditch so filled up and stopped from the aforesaid. first Day of April in the abovesaid third Year, until the first Day of April, in the fifth Year of our faid Lord the preent King continued, whereby all the Water descending and running from Meney.

The Citth's

N

h

Ħ

4

P

K

fo

to

H

an

th

th

his

ân

hin

the

fan

tha

ed.

An

the

tair

twe

ceri

faid

the

that

Pen

by 1

and

him

ther

the aforefaid Close called C. M. was critically stopped; and the Water being to stopped on divers: Days and Times within that Time overwhelmed and covered the aforefaid Close called C.M. And he the faid P. the whole Profit of that Close aforesaid, and all Benefit of the aforesaid Ditch, for the whole Time aforefaid loft, and was deprived of, to the Damage of him the faid ?. of forty Pounds: And thereupon he brings his Suit.

For departing tiff's Service without Warning.

Neverberge

Middlesex, to wit. T. H. late of -(and so on as before to)from the Plain- complains, why whereas the aforefaid T. on the second Day of Murch, in the third Year of the Reign of our Lord the present King, at the Parish of Stepney, in the County of Middlesex aforefaid, was retained as a Servant of him the faid P. to ferve and labour in the Art of Glass-making, by him the faid P. then in fuch a Glass-House of him the faid P. to be imployed within the Parish and County aforesaid, as long as both Parties aforesaid pleased; nevertheless, under the Warning by the Space of three Months to be given by the one to the other, at the Will of him thereupon to be determined, for the Price of fixteen Shillings of lawful Money

as ng

es ad

NO.

of of

le'

ed

P.

he

of

940

ud

he

ord

ep-

re-

im

the

aid

im

the

ong

er-

ace

the

im

the

ful

ney

Money of this Realm, for a Week by him the faid P. to the faid T. for every Week to be paid, whereupon the fame P; then and there in Hand paid fix Pence of the faid Wages for the first Week of the Service aforefaid, in Part to the faid T. The fame T. afterwards, to wit, the fame Day, Year and Place, in Confideration that the faid P. there and there to the fame T. promifed, that he the same P. all and singular the things in the Bargain aforefuld, on his Part to be performed, would well and faithfully perform, affurned upon himself, and to the same P. then and there faithfully promifed, that he the fame T. all and fingular the Things in that Bargain on his Part to be performed, would well and faithfully perform. And also whereas, afterwards, to wit, the fame Day, Year and Place, a certain Discourse was had and moved between the faid P. and T. of and concerning the Retaining and Bargain afore faid, the same T. afterwards, to wit, the fame Day, Year and Place; upon that Discourse, in Consideration of six Pence of lawful Money of this Realm, by him the faid P. to the fame T. then and there in Hand paid, assumed upon himself, and to the same P. then and there faithfully promised, that he the fame

Po

Su

Ro

Cl

phi

on fan

con

Hu Far

of Spai

non sua g

Pari Cou

of I Н. а

H. h

faid,

had,

Men

rary

wont

ng t

Char herf

Nevertbelefs.

fame T. would not forfake the Service aforesaid, or depart therefrom before the End of three Months next after Notice of leaving the faid Service by him the faid T. to the same P. to be given. Nevertheless the aforesaid T. in no wife regarding his Promife and Affumption aforesaid, but contriving, and fraudulently intending the said P. in this Particular craftily and fubtilly to deceive and defraud, afterwards, to wit, on the fecond Day of April, in the third Year abovesaid, forfook the Service aforesaid, of him the said P. at the Parish aforesaid, in the County aforesaid, and there from his Service from the aforesaid Second Day of April, in the third Year abovefaid, until the twentieth Day of October, in the abovefaid third Year of the Reign of our faid Lord the present King, without the Leave, and against the Will of him the faid P. departed, and hath absented himself without any Warning or No tice, as is before related, of the Will of him the faid T. thereupon to be determined, or of leaving his Service to the same P. by the said T. first given, whereby the Business of him the said aid, P. in his Art aforesaid, for that whole Sund Time remained undone, to the Da-Days mage of him the said P. of thirty Pounds:

Pounds: And thereupon he brings his Suit.

0

er

y.

e

in f.

d

in

to

ta

in

10

P.

ty

ce

il.

he

10-

ur

ut

im

nt-

No-

Vill

de-

to

en,

aid

ads:

Suffex, to wit: George W. late of (9.) Rotherfield in the County aforesaid, For Diffur-Clerk, was attached to answer to Hum-bance of the phry F. Esquire, of a Plea of Trespass bis Seat in on the Cafe. And whereupon the the Charch. same Humphry, by J. H. his Attorney, complains, that whereas the aforesaid Humphry, on the seventeenth Day of January, in the third Year of the Reign of our Lord the present King, for the Space of two Years last past was, and now is seized of and in one antient Mesmage, situate, lying and being in the Parish of Rotherfield aforesaid, in the County aforesaid, in his Demesne, as of Fee. And also whereas the same H. and all those whose Estate the same H. has, of and in the Messuage aforeaid, with the Appurtenances, have and from the Time whereof the Memory of Man is not to the conrary, have been accustomed, and were wont to have a certain Seat, as belongng to the Messuage aforesaid, in the Chancel of the Parish Church of Roherfield aforefaid, in the County aforenole aid, for them and their Family on Da-Sundays and Festival Days, and other irty Days and Times in which Divine Service, or the Word of God in the

Church aforesaid, was read or preach-

al

le

W

ar Se

en

di

fai

wl

U

for

att

and

the

the

Ch

WO the

tur

in t

fore

ing

the

the

the

mag

Pou

Suit

and

ed, or the Sacrament in the faid Church was celebrated, have had, and from the Time abovefaid were accustomed and ought to have, to attend, and hear Divine Service and the Word of God in the Church aforesaid read and preached, and the Sacrament celebrated in the fame. Nevertheless the aforesaid G.W. not ignorant of the Premisses. but contriving and malitiously intending the same H. of the Benefit and Ule of the Seat aforefaid first mentioned to be had, enjoyed, and used unjustly to hinder and difinherit, and entirely to deprive him of, on the same seventeenth Day of January, in the abovefaid third Year of the Reign of our faid Lord the present King, at the Parish of Rotherfield aforesaid, in the County aforefaid, and divers Days and Times between the fame feventeenth Day of January, in the third Year abovesaid, and the Day of obtaining of the original Writ of the aforesaid H. on Sundays and Festivals, and other Days and Times, in which Divine Ser-

vice, and the Word of God in the same Parish Church at Rotherfield aforesaid, in the County aforesaid, with in the Time last specified, was preached

Nevertbeless.

-mointenna

mantación celet

in the Plant.

-will a This

and read, and the Sacrament there celebrated, in the same Seat used to sit, without the Leave of him the faid H. and hath retained and kept out of that Seat him the faid H. attempting and endeavouring to come into that Seat at divers Times within the Time aforefaid, from the Cause aforesaid, by which Means the fame H. the whole Use and Benefit of the aforefaid Seat, for himself and his Family to hear and attend Divine Service, and the hearing and preaching of the Word of God, and the Celebration of the Sacrament on the same Days and Times in the same Church read and celebrated, as he was wont, could not have and enjoy. And the aforesaid G. hath maliciously disturbed, and hindered him the faid H. in the Use and Benefit of the Seat aforesaid, to hear and attend the Reading of Divine Service, and Preaching of he Word of God, and Celebration of the Sacrament in the fame Church, on g of the same Days and Times, to the Damage of him the said H. of fifty ther founds: And thereupon he brings his Ser-Suit.

Mid-

X 2

ch m ed,

ne

h-

ear in ch-

in aid

les, nd-

Use

to i to

to ven-

ove-

our Pa-

the

and

enth

ar a-

H.

the

da-

vith-

ched and

po W

th

fer

mi

L

fai

pai

afc

exe

of

the

tho

five

Rig

afor

his

Hen

Lor

nan

alfo

Rec

afor

twe

By an Administratrix against an Atfor taking out a Capias ad Satisfacienreviving the Fudgment by Scire facias, being obtained in the Plaintiff's Husband's Lifetime.

Middlefex, to wit: Hayford W. late of ——Gentleman, was attached to answer to Anne L. Widow, Adminitorney after be stratrix of the Goods, Rights and Crewas forejudged dits which were of Thomas L. her late Husband deceased, at the Time of his Death, who died intestate, of a Plea of dum, without Trespass on the Case. And whereupon the same Anne, by T. B. her Attorney, complains, that whereas the aforefaid Thomas in his Life-time, to wit, in the Term of Saint Hillary, in the tenth Year of the Reign of our late King George, by the Grace of God, of Great Britain, France and Ireland, Defender of the Faith, by the Name of Thomas L. in the Court of our faid late Lord the King, of the Bench, here, to wit, at Westminster in the County aforesaid, by the Consideration of the fame Court had recovered against one T. M. by the Name of T. M. late of -otherwise called T. M.-Year as well a certain Debt of forty-eight hunc afore Pounds, as forty Shillings for his Damages which he had by the Occasion the : of detaining of that Debt, whereupon nam the same T. M. was convicted as by taine the Record thereof in Court here rethere maining is manifest, and plainly ap pears,

ite

to ni-

re-

his

of

on

ey,

aid

th

ng

of

nd,

me

aid

re,

nty

the

one

of

ght

Da-

ion

nog

by

reapars.

pears. And whereas, afterwards, to wit, on the tenth Day of December, in the Year of our Lord one thousand feven hundred and twenty-five, at Westminster aforesaid, the aforesaid Thomas L. died, the Debt and Damages aforefaid, or any Penny thereof not being paid or fatisfied, and the Judgment aforefaid being in full Force, and not executed. And whereas after the Death of the aforesaid Thomas L. to wit, on the eighteenth Day of January, one thousand seven hundred and twentyfive, Administration of the Goods, Rights and Credits, which were of the aforesaid Thomas L. at the Time of his Death, at Westminster aforesaid, by Henry by Divine Permission Bishop of London, in due manner to the abovenamed Anne was committed. And also whereas the aforesaid Anne, for Recovery of her Debt and Damages aforesaid afterwards, to wit, on the twenty-eighth Day of October, in the Year of our Lord one thousand seven hundred and twenty-fix, at Westminster aforefaid, for the just and due Fees, by the abovenamed Anne to the abovenamed Hayford, to be paid, had retained the aforesaid Hayford then and there, one of the Attornies of the

The Clerk's

th

th

Y

h

af

ne

Ca

of

cie

fir

die

 \mathcal{I}

D

be

kn

wi

me

De

fit

ag

be

de

We

fan

and

fift

he

of

W

Court of our Lord the King of the Bench, as her Attorney, to fue out Execution against the aforesaid T. M. of and upon the Judgment aforefaid for obtaining of the Debt and Damage aforefaid. Nevertheless, the aforesaid Hayford the Duty of his Office in no wife regarding, hath not fued out of the Court of our faid Lord the King here any Writ of Scire Facias upon the Judgment aforefaid, against the afore said Thomas M. at the Suit of the above-named Anne, but hath entirely neglected and omitted to profecute the Writ of Scire Facias upon the Judg ment aforesaid, against the above-name T. M. at the Suit of the aforesaid Anne; and by Reason thereof, although the Sum of twenty-feven Pounds, by Virtue of a certain Writ of Capias a Satisfaciendum upon the Judgmen aforesaid, by the above-named Hayford at the Suit of the above-named Anne against the aforesaid T. M. out of the Court of our faid Lord the King the Bench here profecuted, was levied to wit, at Westminster aforesaid; no verthelefs, the aforefaid Anne that Sun of twenty-feven Pounds could not have nor obtain, but the aforesaid Sum twenty-seven Pounds, by Direction

Mevertbelefs.

the

out

M

faid.

ages

faie

ne ne

t o

ere

the

fore

the

irely

the

udg

med

efaic

oug

b

s a

nen

Ford

nne

th

go

vie

ne Sun

hav

n o

n d

th

the same Court afterwards, to wit, on the fourteenth Day of May, in the faid Year of our Lord one thousand seven hundred and twenty-fix, at Westminster aforefaid, was restored to the abovenamed T. M. because that Writ of Capias ad Satisfaciendum (for Default of Judgment in the Writ of Scire Facias, that upon the aforesaid Judgment first mentioned ought to be fued out) did erroneously issue, and the aforesaid T. M. afterwards, to wit, on the same Day and Year hath withdrawn himself beyond the Seas, to Places entirely unknown to the above-named Anne, to wit, at Westminster aforesaid, by which means the aforesaid Anne the Debt and Damages aforesaid, and the whole Benefit and Advantage of the Judgment against the above-named T. M. as is before related to be obtained, is totally deprived of, and hath loft, to wit, at Westminster aforesaid; whereupon the same Anne says that she is worsted, and hath Damage to the Value of fifty Pounds: And thereupon she brings her Suit.

Middlesex, to wit: Edward M. late (11.)

of ____ Merchant, was attached by By an AttorWrit of our Lord the King of Privilege Court of Comhere mon Pleas for
Fees.

here issuing out of Court, to answer

116

of

th

in

Bu

wi

nil

up

ter

mi

noi

he

Pro

the

afo

ed

ney

Pai

the

tion

Busi

In Confideration Plaintiff at Defendant's Request bad defended divers Suits for bim, Defendant promifed to pay as much as Plaintiff deserved.

to Walter F. Gentleman, one of the Attornies of the Court of our Lord the King of the Bench here, according to the Libertles and Privileges of the fame Court for fuch Attornies, and other Ministers of the same Court, used and approved in the fame Court from Time out of Memory, of a Plea of Trefpass on the Case. And whereupon the fame Walter, in his own proper Person complains, That whereas the profecuted and aforesaid Edward on the first Day of May, in the Year of our Lord one thousand seven hundred and thirty-one, at Westminster, in the County aforesaid, in Confideration that the aforefaid Walter, at the special Instance and Request of him the faid Edward, before that Time had profecuted, defended, and follicited for the fame Edward divers Causes, Suits, and Businesses, of thos him the faid Edward, in the aforefaid the Court, (the fame Court being at West-show minster, in the County of Middlesex) well and had took great Pains and Industry and in and about the Prosecution, Debe to fence, and Solliciting the several Causes, Prosecution, and Businesses aforesaid in the of the said Court, and had necessarily laid inesse out and expended divers Sums of Modiver ney,

er

he

he

to

ne

er

nd

me

ef-

noc

per

the

of

one

ne,

aid,

faid

Re-

fore ded,

ney, at the like Instance and Request of him the faid Edward, in and about the Profecution, Defence, and Solliciting of the feveral Causes, Suits, and Businesses aforesaid in the said Court, with divers Officers, Clerks, and Ministers of the aforesaid Court, assumed upon himself, and to the same Walter then and there faithfully promiled, that he the aforesaid Edward not only all fuch Sums of Money, as he the faid Walter, in and about the Profecution, Defence, and Solliciting of the feveral Causes, Suits, and Businesses aforesaid in the said Court had expended and laid out, but also so much Money as he the same Walter for such his Pains, Industry, and Fees, in and about the Profecution, Defence, and Sollicitation of the feveral Causes, Suits, and pard Businesses aforesaid in the said Court, , of hould reasonably deserve to have, to faid the same Walter, when afterwards he West-should be thereunto required, would well and faithfully pay and content. And the same Walter in Fact says, that Debe the same Walter, in and about the uses, Prosecution, Defence, and Sollicitation the of the several Causes, Suits, and Bulaid messes aforesaid in the said Court, with Modivers Officers, Clerks, and Ministers of ney.

1

I

8

G

f

F

d

be

af

Y

fa

fa

pr

the

Sh

W

the

ful

wh

wa

abo

acc

nan

of

the

Tin

that

four

nam

fan

the faid Court, hath necessarily laid out and expended the Sum of twelve Pounds, of lawful Money of Great Britain; and that he the same Walter. for his Pains, Industry and Fees, in and about the Profecution, Defence, and Sollicitation of the several Causes Suits, and Businesses aforesaid in the said Court, hath reasonably deserved to have of the aforesaid Edward five Pound four Shillings and Six Pence of like lawful Money of Great Britain, where of the aforefaid Edward from the faid Walter then and there had Notice Defendant be- And also whereas the aforesaid Edward afterwards, to wit, the same Day and Year abovefaid, at Westminster afore faid, was indebted to the same Walter tromifed to pay. in feventeen Pounds four Shillings and Si Pence, of like lawful Money of Grea Britain, as well for divers Sums of Mo ney for the same Edward, by the above named Walter, before that Time, in an

about the Profecution, Defence, an

Solliciting of divers other Causes, Suit

and Businesses, for the same Edward

the aforefaid Court, at the like Instand

and Request of him the faid Edward

with divers Officers, Clerks, and Min

sters of the said Court, necessarily e

pended, laid out, and employed, as for

divers other Sums of Money due to the Pour

ing indebted as well for Money laid out and expended, as for Fees

aid

lve

reat

ter,

and

and ifes.

faid

ave

unds

like

ere

faid

tice

ware

and

fore

alte

dSi

Frea Mo

bove

n an

an Suit

ird i

fan

same Walter, and being for his Labour, industry and Fees, in and about the Profecution, Defence, and Sollicitation of feveral Causes, Suits, and Businesses aforesaid, last mentioned, in the aforefaid Court, by the same Walter for the same Edward, and at his Instance and Request before that Time profecuted, defended and follicited; and thereupon being so indebted, the aforesaid Edward afterwards, to wit, the same Day and Year abovefaid, at Westminster aforefaid, assumed upon himself, and to the same Walter then and there faithfully promised, that he the aforesaid Edward. the aforesaid seventeen Pounds four Shillings and Six Pence to the fame Walter, when afterwards he should be thereto required, would well and faithfully pay and content. And also That the Plaintiff and whereas the aforesaid Edward after- the Defendant wards, to wit, the same Day and Year bad accounted abovesaid, at Westminster aforesaid, had together. accounted together with the abovenamed Walter, concerning divers Sums of Money to the fame Walter by stance the aforesaid Edward before that ward Time due and payable; and upon Min that Account the aforesaid Edward was ye found in Arrearage towards the aboveas fonamed Walter in another seventeen to the Pounds four Shillings and Six Pence, of like

hi

P

of

the

ma E

the

Ple

per

ato

74

Sov

Gra

and

Fai

afor

afor

afor

afor

tent

thir

like lawful Money of Great Britain, and being fo found in Arrearage, the aforefaid Edward, in Confideration thereof afterwards, to wit, the same Day and Year abovefaid, at Westminster aforesaid, assumed upon himself, and to the same Walter then and there faithfully promised, that he the aforefaid Edward the aforesaid seventeen Pounds four Shillings and Six Pence, last mentioned, to the same Walter, when afterwards he should be thereto required, would well and faithfully pay and content. Yet the aforefaid Edward not regarding his feveral Promifes and Assumptions aforesaid to the same Walter in Form aforesaid made, but contriving, and fraudulently intending the same Walter in this Particular craftily and fubtilly to deceive and defraud, the aforesaid several Sums of Money, or any Penny thereof, to the same Watter hath not paid, nor him in any manner for the same hath contented (although to do this the aforefaid Edward afterwards, to wit, on the tenth Day of May, in the Year of our Lord one thousand seven hundred and thirty-one abovefaid, at Westminster aforefaid, by the same Walter was requited;) but that to him he hath hitherto entirely refused to pay, or in any manner for the same to content, and

Tet.

and yet doth refuse, to the Damage of him the said Walter of thirty Pounds: And thereupon he brings his Suit.

Pledges of profecuting 2 and Richard Roe.

Thompson.

e

2-

y

7

d

re

e-

e.

1,

e-

1-

e-

al

to

id

ly

r-

ve ns

he

in

n-

re-

on

of

ed ter

re-

hi-

in

nt,

ind

Middlesex, to wit: J. S. late of was Attached by Writ of our By a Protho-Lord the King of Privilege issuing out notary's Clerk against the Deof the Court of our Lord the King of fendant, who, the Bench, to answer to T. B. Gentle- in Consideraman, one of the Clerks of J. Thompson, tion that the Esquire, one of the Prothonotaries of would be Solthe Court of the Bench aforesaid, of a licitor for one W. W. De-Plea of Trespass on the Case. And fendant prowhereupon the same J. in his own pro-mised to pay. per Person complains, That whereas the aforesaid T. on the seventeenth Day of 7uly, in the third Year of the Reign of our Sovereign Lord George the Second, by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith, being one of the Clerks of the aforesaid T. Thompson, Prothonotary aforesaid of the Court of the Bench aforesaid, at Westminster aforesaid; the aforesaid 7. afterwards, to wit, on the tenth Day of August, in the abovesaid third Year of the Reign of our Lord the

ar

pl

an

fo

of

an

th

th

on

M

ab

inc

fift

Gr

by

star

7.W.

De

the

nan

laid

Car

in t

And

afor

afte

Year

the s

a Presha-

Lary a Clerk

nind the Der

Confrient-

The to

sat that

the present King, at Westeninster afore. faid, in Confideration that the aforefaid T. at the special Instance and Request of him the faid J. would be Sollicitor for one W. W. in Defence of him in a certain Suit in the Court of our faid Lord the King for Pleas (the fame Court then being at Westminster) by one 7. 7. against him the said W. before that Time profecuted and levied, assumed upon himself, and to the abovenamed T. then and there faithfully promised, that he the said J. S. all such Sums of Money as the fame T. for his Labour, Fees and Expences, in and about the Sollicitation and Defence of the Suit in the Court of our faid Lord the King, by the aforesaid 7. 7. against him the faid W. W. fo as is before related to be profecuted and levied, ought to have and reasonably deserved, to the same T. when afterwards be should be thereto required, would well and faithfully pay and content. And the same T. in Fact fays, that he believing the Promife and Assumption of the aforesaid 7. S. afterwards, to wit, on the fame tenth Day of August, in the Year abovesaid, at Westminster aforesaid, had bestowed and employed his Time, Care and Labour, in and about the Defence of the Suit aforesaid, by the aforesaid J. J. against

a d

e

y

}h is

d of

d ıst

ed

ve $\mathcal{I}.$

to

ly

in ife

S.

th

id,

ed 12-

he

7:

nst

in hand

nobist. I

herever to it

against him the said W. so as is before related to be profecuted and levied; and that the aforefaid T. for his Time, Care and Labour, bestowed and employed in and about the Sollicitation and Defence of the Suit aforefaid, reafonably deserved to have fifty Shillings of lawful Money of Great Britain; and of this the aforefaid J. S. then and there had Notice. And also whereas Defendant bethe aforesaid J. S. afterwards, to wit, well for Money on the twentieth Day of the fame expended, as Month of August, in the third Year for Time, Care above said, at Westminster aforesaid, was indebted to the same T. in another fifty Shillings, of like lawful Money of Great Britain, as well for Money, by the same T. at the special Instance and Request of him the said 7. 8. as Sollicitor of him the faid W. in and about the Sollicitation and Defence of the Suit aforefaid, against the abovenamed W. by the abovenamed 3. 7. profecuted and levied. laid out and expended; as also for Time, Care and Labour of him the faid T. in that Behalf employed and bestowed: And being so thereupon indebted, the aforesaid 7. S. in Consideration thereof afterwards, to wit, the same Day and Year abovesaid — and so on, as in the next before, to the End. London;

t

V

1

1

R

cl

P

af Po

an

on

Ye

in

de

in

fan

Cit

aft

Bv

She

tur

Da

faid

and

Bod

(13.)Against the Sheriffs of London for on a Mesne Prociss, and eft inventus) ke is not found.

AND MINES

an haldthal principl for

ah Library

SY2. Distant

London, to wit: S. S. late of London, Knight, and C. T. late of London, Knight, Sheriffs of the City of London an Escape up- aforesaid, were Attached to answer to T. S. of a Plea of Trespass on the returned (non Cafe. And whereupon the same T. by 7. H. his Attorney complains, That whereas at the Time of the Issuing of the Writ here afterwards specified, one N. S. late of London, Cooper, was lawfully indebted to the same T. in one hundred and twenty Pounds, to wit, at London aforefaid, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, and for Recovery thereof, the same T. heretofore, to wit, on the fixth Day of May, in the fifth Year of our Reign, out of our Court of the Bench here, to wit, at Westminster, in the County of Middlesex, sued out of the Court here our certain Writ of Capias ad respondendum against the abovenamed N. to the then Sheriffs of London aforesaid directed, whereby they were commanded to take the aforesaid N. if he might be found in their Bailiwick, and to keep him fafely, fo that they should have his Body before our Justices here, to wit, at Westminster, on the Morrow of the Holy Trinity then next enfuing, to answer to the fame Makaro I

12-

12,

172

to

ne T.

at

he

ne

as

in

to

he

ry

it, fth

er,

of

of

the

s of

ney

aid

aili-

hat

our ster,

nity

the

ame

same T. in a certain Trespass: And also that the aforesaid N. should anfiver to the same T. according to the Custom of the Court here in a certain Plea of Debt upon Demand of one hundred and twenty Pounds; and that they should have there that Writ. Which faid Writ the fame T. fued out with that Intention, that the aforesaid T. upon the Appearance of him the faid N. in the same Court here, at the Return of the same Writ, might declare against the abovenamed N. in a Plea of Debt upon Demand of the aforesaid one hundred and twenty Pounds; which faid Writ afterwards, and before the Return thereof, to wit; on the tenth Day of May, in the fifth Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, was delivered to the abovenamed S. and C. in Form of Right to be executed, the same S. and C. being Sheriffs of the City of London then and until, and after the Return of the faid Writ. By virtue of which faid Writ the same Sheriffs afterwards, and before the Return thereof, to wit, on the thirteenth Day of May, in the fifth Year abovelaid, at London aforesaid, in the Parish and Ward aforefaid, the same N. by his Body took and arrested, and him in

their Custody there had and detained until the same S. and the aforesaid a (not esteeming the Duty of their Office aforefaid, and contriving, and fraudulently intending the same T. in this Particular craftily and fubtilly to deceive and defraud, and to deprive him of the Recovery of his faid Debt afterwards, to wit, on the fifteenth Day of May, in the fifth Year abovefaid, at London aforesaid, in the Parish and Ward aforefaid,) permitted the fame N. to go out of their Custody whither he was willing, without any Security for his Appearance in the Court here, according to the Exigency of the Writ aforesaid first by them taken or had, and against the Will of him the faid T. the same T. for the Debt aforesaid, or any Part thereof, then or yet being not fatisfied. And the fame N. at the aforesaid Return of the said Writ, or at any other Time, at the Suit of him the faid T. here in Court hath not ap peared. The fame S. and C. further contriving and fraudulently intending the same T. in the Premisses to damage and injure, at the Return of the Writ aforefaid, in Court here, upon that Writ hath falfely and fraudulently, and in Deceit of this Court, returned that the aforesaid N. was not found in their Bail

n

ti

0

h

to

t

L

bo

nu

th

no

to

w

tw

for

tie

fou

Kir

cal

Bailiwick; and by Reason of the Premisses, the same T. is very likely wholly to lose his Debt aforesaid, to the Damage of him the faid T. of one hundred and twenty Pounds: And thereupon he brings his Suit.

0

t

be

he ot

IC-

rit ad,

T.

or

not the

10

nim

ap her

ling

age

Vnt

that

and that

their

Baili

Surrey, to wit: R. D. late of in the County aforesaid, Innholder, was Against an Attached to answer to H. H. of a Plea Innbolder for losing a Pair of Trespals on the Case; and where of Silver Spars. upon the same H. by A. B. his Attorney complains, That whereas according to the Law and Custom of the Realm of our faid Lord the King that now is, Innholders, who hold and keep common Inns to lodge and entertain Men travelling by those Parts where fuch like Inns are, and Lodgings in them, are bound to keep both Day and Night, their Goods being within those Inns, without any Diminution or Loss: So that by Default of these Innholders, or their Servants, no Damage should happen or come to their Guests by any Means. whereas the aforesaid R. before the twentieth Day of February, in the fourth Year of the Reign of our faid Lord the King, and the same twentieth Day of February, in the faid fourth Year of our faid Lord the King, held and kept the common Inn, called the Sign of the Red Lion, in

(14.)

Tet.

The Clerk's

G - aforesaid; and him the said H. in the fame Inn as his Guest then and there entertained, and the same H. then and there one Pair of Silver Spurs, of the Value of fifty Shillings, brought into the Inn aforesaid with him, which faid Pair of Silver Spurs the aforefaid R. in his Custody then and there received and had. Yet certain Malefactors, unknown to him the faid H. afterwards, to wit, the aforesaid twentieth Day of February, in the fourth Year aforesaid, at G. aforesaid, the Silver Spurs aforefaid being under the Custody of the aforesaid R. in the aforefaid Inn then and there found, for want of good Keeping of the faid R. and his Servants, they took and carried away, against the Law and Custom aforesaid; whereupon the same H. says that he is worsted, and hath Damage to the Value of five Pounds: And thereupon he brings his Suit.

lo

OI

or

an

Sc

St

Na

his

Wi oth be is 1

50

Wo

by

ano

Actions of the Case, for Words.

Slander of Great or Ordinary Men, CASE about Words is, when one fpeaketh Words to or of another, by which Speaking he, the other, is any way damnified; and are called Actions

Actions of Slander or Defamation; and are of Great Men, or Ordinary Men.

Amongst Slanders, and Defamation, Tends to diffome tend to the Difgrace of the Per- fon, or Title of fon, fome to the Title of his Lands.

Those against the Person, do some of And endanger, them tend to the Peril of his Life, some Life, Livelito his Prejudice in Livelihood and Name. Estate, and some to his Reproach in

his Name only.

I. d

ıt h

d

e-

e-H.

nth he

he re-

nt

ais

ıy,

d;

is

ue he

s.

one ner,

15

led

ions

Scandalum Magnatum is a Wrong Scandal of done to some Eminent Person of the Noblemen. Land, as Duke, Earl, Baron, Chancellor, Treasurer, Privy-Seal, Justice of one Bench or the other, by false News, or false Messages, whereby Debates and Discords between them, or any Scandal to their Persons may arise. Stat. 2. R. 2. C. 5. West. 1. C. 34.

And the Party may bring it in the May be Name of the King or Queen Regent, and king, and his own, and recover Damages for the Party's Name. Wrong, and the Defendant shall be otherwise punished; and if the Slander be divulged in the Nature of a Libel, it is punishable by Indictment and Fine. 5 Co. 125. Cromp. Fur. 13, 19, 35.

And it matters not in what manner, Whether pub-Words or Report be published, whether is the day Speech, or Writing. by Speech or Writing reported from another, or spoken by one's self,

by

-ing manife

The Clerk's

by hanging up a Writing in any open Place. Cromp. Fur. 13.

What Words are actionable.

All scandalous Words which touch a Words, actionable. Man's Life; as,

> 1. To fay he is a Traytor, Thief, Buggerer, Sodomite, Robber, Murderer, Felon, Sacrileger; or to fay he hath committed Treason, or Buggery, or the like. 10 Co. 130. 4 Co. 15, 16. Dyer. 19, 26, 236.

> 2. Or which concern Men in Member, or Loss of Limb, and so forth.

3. Or which touch him in his Liberty, and were they true, would bring Punishment, or Imprisonment on him. 4 Co. 35, 17.

> 4. Or which scandal a Man in his Office, or Place of Trust; as to say of a Judge or Justice of Peace, He is a corrupt Judge, or Justice of Peace, or the like. 4 Co. 16, 19. 10 Co. 91.

5. Or which flander a Man in his Calling or Trade, by which he gets his Living; as to fay of an Attorney, Heis a cheating Knave; or of a Tradesman, That he is a Bankrupt. 4 Co. 17, 19. Hob. Pl. 93, 106.

h

0

7

al

li

h

M

W

I

W hi

15

П

a

r,

th

or

6.

n-

y, h-

Co.

his

of

50

10

his

his

is

an,

19.

00

6. Or which tend to the Loss of a Man's Preferment; as to fay to a Clergyman about to be preferred to a Benefice, That he is an Heretick; or to a Woman like to have a Husband, That she is a Whore, or the like, if by this Means they lose their Preferment. 4 Co. 16.

7. Or which charge a Man to have a dangerous Disease, by Reason whereof he ought to be separated by the Law, from the Society of Men; as to fay, A Man hath the French Pox, the Plague, or the like. 4 Co. 17. Hob. Pl. 290.

8. Or which tend to flander a Man's Title; as to say, He hath no Estate in his Manor, and so forth, when he is about and hath need to fell it, or the like. 4 Co. 18. 1 Co. 177.

9. Or which tend to a Man's Difinheritance; as to fay of an Heir to Land,

He is a Bastard. 4 Co. 17.

10. Or which tend any way to a Man's particular Damage. All which Words are Actionable. 3 Co. 13, 14, 10 Co. 130. Dyer. 26, 72.

And it matters not whether fuch No matter bow Words are spoken, or written, or before spoken. his Face, or behind his back. 4 Co. 14, 15. Hob. Pl. 292.

Y 4

Nor

The Clerk's

Nor whether in the fecond, or third Person. 4 Co. 14, 15, 16.

Nor in what Language, if the Hearers do or may attain to understand it. Hob. Pl. 165, 236, 351, 276, 63.

Nor whether they be uttered by way of Affirmation or Hear-fay, or Report. Easter Term, 15 Car. Apleton's Case.

Nor by way of Earnest, or seemingly

in jest.

Nor whether the Speaker be fober or drunk.

Nor whether the Words were delivered in one or more Sentences.

Nor whether directly, indirectly, or obliquely; for the Action doth lie alike in all the Cases.

Where to aver mage, or not.

And where the Slander doth concern particular Da- a Man's Life, Liberty, Member, Corporal Punishment, Office, Trust, Calling, or Foul Difeafe, to cause a Separation, the Plaintiff in his Declaration need not aver any particular Damage, as in other Cases he must.

> In these Actions for Words, the Law doth much heed how the Words found, and are esteemed amongst the Men of the Place where they are spoken, whether they be odious in the Estimation of Men or not; and for this Cause it is held that Words may be Actionable in

The Sense of the Words beeded.

one

7

is

fe

fi

tl

th

1

tif

cii

fo

th

be

m

th

W

fer

W

of

tak

on 16

Mi

Chi and one County, that being spoken in another are not; which feems to be a fure Touchstone of Words Actionable: Alto the Sense of the Words in these Cases is much looked upon by the Law; and for the finding out thereof, the Occafion, Subject-matter, and Coherence of the Discourse must be weighed; and they are to be taken as spoken. 4 Co. New B. of Entries 226.

And it matters not whether the Plain- How to draw tiff in his Declaration, fets forth all the various Ways. circumstantial Words as they are spoken, fo as he fets forth the very Words truly that are Actionable, and that he must be fure to do, for a little Variation may spoil it; therefore you may charge the Defendant with speaking of various Words at various Times, and lay them several Ways, so as to hit upon the very Words spoken, or at least the Substance of them — but then Care must be taken, that the Jury affess Damages only for the Words proved to be spoken.

Michaelmas Term in the Thirteenth A Declaration Year of King George.

London, to wit: Edward Bishop of tum) the Chichester, one of the Prelates, Peers Scandal of and Nobles of this Kingdom, who fues For Words

(1.)in an Action of Scandalum Magna-Noblemen. as Spoken against a Bishop.

d

ly

or

li-

10 ke

ern

orıll-

paion

ge, aw

1 Cro. 238.

nd, ot

heot

t is

in one

th

DI

th

je

th

in

di

an

pu

ab

m

Wi

the

072

fai

abo

wh

wa

Da

abo

Par

Dif

of tho

the

ed,

Wo

Hea

beir

H.

as well for our Lord the King as for himself, complains of William W. in the Custody of the Marshal of the Marshalfey of our Lord the King, before the King himself being, for that, to wit, That whereas the aforesaid E. on the seventeenth Day of August, in the thirteenth Year of the Reign of our Sovereign Lord George now King of Great Britain, and long before, and continually afterwards, was Bishop of Chichester; and one of the Prelates, Peers and Nobles of this Kingdom; and had and still hath a Voice and Place in the Parliament of our faid Lord the now King, as one of the Prelates, Peers and Nobles of this Kingdom. Yet the aforesaid William contriving and maliciously intending, against the Form of the Statute in fuch Case lately made and provided, to raife great Scandal of the aforesaid Bishop, from whence Discords and Contentions might arise between the same Bishop and other Prelates, Peers and Nobles, and others the Subjects of our faid Lord the King of this Kingdom, on the same seventeenth Day of August, in the thirtcenth Year abovesaid, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, having Discourse with one H. G. of and

or

he

al-

he it,

he

he

our

of ind

of tes,

and in

the

ers

the ali-

of

ade

1 of

Dif-

be-

Pre-

the

g of

ven-

enth

aid,

y of

ape,

and

and concerning the above-named Bishop, these false, feigned, scandalous and opprobrious English Words following, in the Presence and Hearing of divers Subiects of our faid Lord the now King. then and there being present and hearing to the same H. of the same Bishop did then and there falfely, maliciously, and scandalously speak, report, utter and publish, (to wit) You (meaning the above-named H.) robbed my House meaning the House of him the said William) and stole my Nets (meaning the Nets of him the faid William;) and my Lord Bishop (meaning the aforefaid Bishop) protects you (meaning the above-named H.) in so doing. And whereas the aforesaid William afterwards, to wit, on the fame feventeenth Day of August, in the thirteenth Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, again having Discourse with the above-named H. G. of and concerning the above-named Bithop, from his further Malice towards the same Bishop, these other false, seigned, scandalous, and opprobrious English Words following, in the Presence and Hearing of divers other Subjects of our faid Lord the now King, then and there being present and hearing, to the same H. of the same Bishop then and there did

fe

P

gi

al

of

01

th

fa

Bi

ter

do

di

an

Ki

da

afo

gre Tr

ten

of

For

the

(wb

Kin

Pou

aid

brin

did falfely, maliciously, and scandalously fpeak, report, utter and publish (to wit, My Lord Bishop (meaning the aforefaid Bishop) protects you (meaning the above-named H.) in all manner of Villany. And whereas the aforesaid William afterwards, to wit, on the same feventeenth Day of August, in the thirteenth Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid. again having Discourse with the abovenamed H. G. of and concerning the aforesaid Bishop, from his further Malice towards the fame Bishop, these other false, feigned, scandalous, and opprobrious English Words following, in the Presence and Hearing of divers other Subjects of our faid Lord the now King, then and there being prefent and hearing, to the same H. of the same Bishop then and there did falsely, maliciously, and scandalously speak, report, utter and publish (to wit) If you (meaning the above-named H.) were to murther one of my Children (meaning the Children of him the faid William) My Lord Bishop (meaning the aforesaid Bishop) would protect you (meaning the above-named H.) that you (again meaning the same H.) Should come to no Damage. By Pretext of the speaking, attering and publishing of which said feveral

Ny

it,

re-

he

il-

il-

ne

ir-

re-

id,

ve-

he

Ia-

efe

ind

ng,

ers

OW

ind

me

ali-

ort,

an-

1267-

the

My

aid

the

an-

ing,

faid eral leveral false, feigned, scandalous, and opprobrious English Words, the same Bihop hath undergone and fuffered very great Loss of his Honour and Esteem among the Prelates, Peers and Nobles of this Kingdom, and other Subjects of our faid Lord the now King, and also the Displeasure and Dissidence of our faid Lord the King towards the faid Bishop, and divers great Discords, Contentions and Scandals within this Kingdom, between the aforesaid Bishop and divers other Prelates, Peers and Nobles, and other Subjects of our faid Lord the King of this Kingdom, are arisen, and daily more and more upon the Account aforesaid are very like to arise, to the great Disturbance of the Peace and Tranquillity of this Kingdom, in Contempt of our faid Lord the now King, and to the great Scandal and Grievance of him the faid Bishop, and against the Form of the Statute aforesaid, and to the Damage of him the faid Bishop who fues as well for our faid Lord the king as for himself) of one thousand Pounds: And thereupon as well for our aid Lord the King as for himself he brings his Suit.

Materia viruse sasta viere de la la face con

appears to the first being speak

hay aniver and bondings on the London,

F

DI

br

W

ta 21

OF

th

F

hi

of

dv

nt

ha

qu

W

bo

th

m

W

M fe]

pu

Su

wi

an

afc

Ye of

cic

Pa:

2.) For Words ; He doth not understand

London, to wit; Gabriel 7. complains of James J. in the Custody of the Marshal of the Marshalley of our his Business. Lord the King, before the King him-felf being, for that, to wit, That whereas the aforesaid Gabriel is a good, true, and faithful Subject of our faid Lord the now King, and hath hitherto, from the Time of his Nativity, behaved and carried himself as a good, true and faithful Subject of our faid Lord the now King, and his Predecessors, Kings and Queens of this Realm, and for the whole Time aforefaid was reckoned esteemed, and reputed of good Name, Fame, Behaviour, Condition, and Conversation, as well among his Neigh bours, as all other faithful Subjects of our faid Lord the now King, to whom the fame Gabriel was known. And allo whereas the same Gabriel now is, and for the Space of three Years now last past, and upwards, has been a Sail-Maker, and hath expertly and mol skilfully exercised and used the Art and Mystery of a Sail-maker for that whole Time, to wit, at the Parish of Saint John's Wapping, in the County Middlesex. And for the whole Time aforesaid hath very plenteously and suf ficiently got and gained his Living, and Support for him the said Gabriel and his Family

)m-

of

our

imhat

ood, Caid

rto,

ved

and

the

the

ned,

me,

igh-

s of

also

and

lan Sail-

mol

and

aint

'ime

fuf

inda

d his

Family, by exercifing and using the Art or Mystery aforesaid. And the same Gabriel hath justly and honestly for the whole Time aforesaid, bought and obtained divers Wares and Merchandizes. and other Things appertaining to the Art or Mystery of him the said Gabriel, for the better Support of himself and his Family, and to the great Increase of his Riches of divers Persons, Creditors of him the faid Gabriel, residing and dwelling at London aforesaid, as well upon Credit, as for ready Money in hand paid; and hath always upon Request paid and satisfied all and singular the Sums of Money for the Things or Wares whatfoever, by him upon Credit bought and received of any Persons for the whole Time aforesaid, or in any manner had, and all other his Debts without Fraud or Delay; and by that Means hath got and obtained to himfelf great Credit, a good Opinion, Reputation and Esteem of divers faithful Subjects of our faid Lord the now King, with whom the same Gabriel did trade and deal in his faid Art or Mystery aforefaid, or in any other manner. Yet the aforesaid James, not ignorant of the Premisses, contriving and maliciously intending not only to hurt, impare and injure the good Name, Fame,

Tet.

del

Ar

Ga

fai

Mifo

wa to

in :

don

afo

wit (an

ing

faic bein

Ma

fpe:

lish fals

bric

wit) brie

ho

teri

vera

pro

Gal

his

Efte

dali

faid,

Credit, Skill and Esteem of him the faid Gabriel, and to draw him the faid Gabriel into great Mistrust and Discredit among the Subjects of our faid Lord the now King, with whom the fame Gabriel had any Commerce in his Art or Mystery aforesaid, or otherwise, with that Intention, that no Person for the future should give any Credit to the same Gabriel, and to lessen the Knowledge of him the faid Gabriel, in his Art or Mystery aforesaid, on the eleventh Day of Ottober, in the fourth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at London aforefaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, discoursing with certain Subjects of our faid Lord the now King, of him the faid Gabriel, and of his Art or Mystery aforesaid, and of the Knowledge of him the faid Gabriel in his Art or Mystery aforesaid, in the Presence and Hearing of very many Subjects of our faid Lord the now King, then and there being present, did falsely, malicioufly, openly and publickly speak, affirm, report, utter and publish of the fame Gabriel, these false, feigned, scandalous, malicious, and opprobrious English Words following (to wit) He (meaning the aforesaid Gabriel) doth not under stand

the

aid

dit

ord

me

Art

ith

for

dit

Hen

Ga-

aid,

in

our

OW

don

aint

of

ects

nim

My-

dge Art

1171and

derstand his Business, (meaning the Art or Mystery aforesaid of him the said Gabriel) He (again meaning the aforefaid Gabriel) hath had two or three Masters. And the aforesaid Fames. from further preconceived Malice towards him the faid Gabriel afterwards, to wit, on the twelfth Day of October, in the fourth Year above faid, at London aforesaid, in the Parish and Ward aforesaid, having another Discourse with divers other Persons concerning the ame Gabriel in the Presence and Hearing of very many other Subjects of our aid Lord the now King, then and there being present and hearing, did falsly, Maliciously, openly and publickly, speak, affirm, report, utter and publish of the same Gabriel, these other false, feigned, scandalous and opprobrious English Words following, (to mit) He (meaning the aforesaid Ga-briel) is broke, and hath not Canvas to and veral false, feigned, scandalous and opeak, Gabriel is not only hurt and injured in the his good Name, Fame, Credit and Can- Esteem aforesaid, and is greatly scanean-laid, but also upon that Account, his

Ye

do

Lo

Co

use

fer

Tir

cere

befo

nvi

he

don

The

othe

who

nd

ntii

nitt

Offer

near

it,

ene

ing

one

reat

ng

icer

state

an

Neighbours, and divers other Subjects of our faid Lord the now King, with whom the fame Gabriel then before used to deal in his Art or Mystery aforefaid, and who then before had fold divers Goods and Merchandizes upon Credit to the same Gabriel, have kept themselves from the Acquaintance of him the faid Gabriel, and daily more and more withdraw themselves, and have entirely refused to have any Commerce with him the faid Gabriel in buying, felling or bargaining in his Art or Mystery aforesaid, and to give any Credit to the fame Gabriel, and yet refuse and entirely desist. Whereupon the same Gabriel says that he is worsted, and hath Damage to the Value of one Thousand Pounds: And thereupon he brings his Suit.

(3.) For Words, you are a Regue and I will prove you a Rogue.

London, to wit: 7. L. complains of R. S. in the Custody, - (as before) for that, to wit, that whereas the same 7. is a good, true, faithful and honest Subject of this Kingdom, and fo from the Time of his Nativity hath always is F hitherto carried, behaved and managed mor himself, and for the whole Time afore faid was reckoned, esteemed, account apai ed and reputed of good Name, Fame and Conversation among very many Subjects of this Kingdom, and for many Years

ts

th

re

redi-

on

ept of

ore

ınd

min

any yet

pon

Years now last past within this Kingdom, but chiefly within the City of London and Parish of Redriffe in the County of Surrey, hath exercised and used, and yet exercises the Art or Myfery of a Shipwright, and for the whole Time aforesaid, always leading a finere and pious Life, and always placing efore his Eyes the Laws of GOD, and aviolably and most exactly observing he Laws and Statutes of this Kinglom, never committed any Fraud, Art Theft, Larceny or Robbery, or any ther fuch Sort of Crimes, but for the whole Time of his Life he hath kept and preserved himself clear, free, and orth-e of nitting any such Facts, and from all pon Mences and Crimes, and by that neans he had got and enjoyed great Creit, a good Opinion, the Favour and its of enevolence of divers Subjects of this fore) ingdom, whereby the same J. daily ame onestly gained and obtained divers neat Gains and Profits towards gettom is Family. Yet the aforesaid R. not aged morant of the Premisses, of his own fore near vitious Malice, contriving to ount apair and injure the Name, Fame, same state and Reputation of him the said nany and to bring and draw him the said nany. it, a good Opinion, the Favour and nany Years

fa

an

fai

an

Cr the

do

eft

ma

ver

wh

ing

An faic

Kin wit

afo

fror

and

tire

the lays

maş

Pou Suit

K

M.

7. into the Mistrust of the Subjects of this Kingdom, and into the Scandal Infamy and Danger of losing of his Life by the Laws of this Kingdom against fuch Sort of Malefactors; and that the fame Subjects of this Kingdom should defift to trade and bargain, or in any manner to deal with the same 7. in his Art aforesaid, and that they should esteem him the said J. a Rogue, a Rob ber and Thief, on the eighteenth Day of October, in the fourth Year of the Reign of our Sovereign Lord GEORGE the Second, now King of Great Britain at London aforefaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, hath falfly and maliciously, openly and publickly spoke, asserted, uttered, published, an with a loud Voice pronounced, the false, feigned, scandalous and opport brious English Words following, of the same 7. in the Presence and Hearin of very many Subjects of this Kingdom being then and there present and hear ing, (to wit) You (meaning the afor faid 7. L. the now Plaintiff) are for Rogue, and I (meaning the faid R.th fore now Defendant) will prove you (aga ful, meaning the aforesaid J.) a Rogu King By Pretext of the speaking, afferting uttering and publishing of which sa fall

s of

dal.

Life

ains

the

ould

any

1 his

ould

Rob

Day

the

GH

ain

the

s, i

and

ckly

an

thef

opro

th

arin

don near fore

re

. th

agai

ogu

rtin fai fall

false, feigned, scandalous, defamatory and opprobrious English Words, the ame 7. is not only greatly scandalized and damaged, in his good Name, Fame, Credit and Esteem aforesaid, among the many faithful Subjects of this Kingdom, with whom he was reputed and esteemed, but also he is greatly damaged in exercifing his Trade with divers Subjects of this Kingdom, with whom the faid 7. used to deal in buying, felling, and lawfully bargaining. And all the Neighbours of the aforeaid 7. and all other Subjects of this Kingdom who used to trade and deal with the same J. from the Occasion aforesaid, have withdrawn themselves from the Company of him the said 7. and yet withdraw themselves, and entirely refuse to trade or deal with him the faid J. Whereupon the fame J. lays that he is worsted, and hath Damage to the Value of five Hundred Pounds: And thereupon he brings his Suit.

Kent, to wit: T. M. complains of For Words, M. W. in the Custody — (as before) You keep a Bawdy-house. for that, to wit, that whereas the aforesaid T. now is a good, true, faithful, pious, and honest Subject of this Kingdom of England, and hath beha-

D

th

fer

th

fe

W

T

ut

in

2

T

W

T

41

fo

li

fte

ke

fa

Sa

of

fa

m

hi

E

ly

lo

m

la

th

kı

01

ved, carried and governed himself in such a manner as a good, true, faithful, pious and honest Subject of this Kingom of England, without any kind of Theft, Felony, Fornication or Adultery, or any other hurtful Crime, Infamy, or for procuring for another, and from keeping a Bawdy-House and from all Suspicion thereof; and from the Time of his Nativity hath hitherto lived untainted, unspotted and unsuspected. and for the whole Time aforefaid was of good Name, Fame, Condition, Conversation and Behaviour. Yet the aforesaid M. not ignorant of the Premisfes, envying the happy State and Condition of him the faid T. contriving and maliciously intending to take away and deprive him of his good Name, Fame, Credit and Esteem aforesaid, and to bring upon him publick Infamy and Reproach, and utterly to overthrow the State of him the faid T. and to cause him the said T. to undergo the Punishments and Penalties against such Persons who keep Bawdy-Houses, and the Laws of this Kingdom of England provided on the fecond Day of October, in the fourth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at Maidstone in the County aforesaid, in a certain Discourse

Discourse that the same M. then and there had with the fame T. in the Prefence and Hearing of divers Subjects of this Kingdom of England, certain false, feigned, scandalous and opprobrious Words of the same T. and to the same T. did falfely and maliciously speak, utter, and with a loud Voice publish in these English Words following, to wit, You Master M. (meaning the aforesaid T. M.) keep a Bawdy-House, your Wife and Daughters are Whores and Thieves; go carry Master M---'s Lace and Ruffles that you (meaning the aforesaid T. M.) fold. And in these English Words following, to wit, You Mafter M. (meaning the aforefaid T. M.) keep a Bawdy-House; when in Fact the same T. is not, nor was guilty of the same, or any Part thereof. By Pretext of the speaking and publishing of which said English Words, the same T. is very much hurt and damaged, not only in his good Name, Fame, Credit and Esteem aforesaid, but also he is greatly suspected to have committed the Felony and other Crime aforefaid among many Subjects of this Kingdom of England, to whom the Innocency of him the faid T. in this Particular is unknown: And the aforesaid Subjects upon that Account have kept and with-Z 4 drawn TOTAL

uch ful, ing-

of dulnfa-

and om ime

unted,

was on-

anif-

onand

and ne,

to and

WO to

the uch

ind

ind er,

our OW

one

ain rfe

tl

K

21

W

21

ti

at

C

D

01

fo

25

Y

tif

an

de af

ki

SI

no

fai

T.

OW

CO

nit

an

Eft

Ŧ. efte

inte Dif

Ex

drawn themselves from the Society and Commerce of him the faid T. and entirely refuse and desist to deal, or trade with the same T. as before they used to And the same T. is forced and compelled to lay out and expend great Sums of Money for the Manifestation of his Innocence in this Particular, and he hath totally loft, and is deprived of divers Gains and Profits, which he could lawfully and honestly get in lawfully using and exercising his Business. Whereupon the same T. says that he is worsted and hath Damage to the Value of One hundred Pounds: And thereupon he brings his Suit.

(5.)For Words, You ftole Bullocks Fat, &c.

London, to wit: 7. T. complains of T. H. in the Custody —— (as before) -for that, to wit, that whereas the and Kidneys, aforesaid 7. now is a good, true, pious, just and honest Subject of our faid Lord the now King, and hath always from the Time of his Nativity hitherto carried, managed and governed himself as a good, true, pious, just and honest Subject of our faid Lord the now King, and his Ancestors Kings of this Realm, and was always reckoned, known, efteemed and reputed of good Name, Fame, Conversation and Condition, as well among his Neighbours as all other nd

en-

ide

to

ind

eat

ion

ind

of

ald

lly

re-

of he

of

re)

the

us,

ord

om

ar-

nest

ng,

m, ef-

ne,

on,

her

ther Subjects of our faid Lord the now King, to whom the same 7. was known, and hath lived and continued, for the whole Time abovefaid, as a good, true and just Man, and of honest Conversation and Condition, esteemed free from any Stain of Infamy, and without any Crime of Theft, Robbery, Falshood, Deceit or Covine, and from any Mark or Suspicion of the same, and from any fort of hurtful Crime. And also whereas the same J. for the Space of divers Years last past was a Butcher, and practifing the Art and Mystery of a Butcher, and before the Time of the speaking and declaring of the scandalous Words here afterwards mentioned, was employed to kill Bullocks and other Cattle in the Slaughter-House of our faid Lord the now King, for victualling the Navy of our faid Lord the now King. Yet the fame T. not ignorant of the Premisses of his own meer preconceived wicked Malice, contriviving, and maliciously and cunningly intending not only to hurt, injure and impair the good Name, Fame, Estate and Reputation of him the said 3. but also to cause the same 7. to be esteemed a Felon, and to bring him mto Danger of losing his Life, having Discourse with the same 7. and of the Execution of his Office, and of the Bu-

tl

21

W

ar

tie

ar

C

D

or

fo

as

Ye

tifi

an

de aft

kil

Sla

יסת

fair T.

OW

con

nin

and Efta

F. 1

efter

into

Difc

Exe

drawn themselves from the Society and Commerce of him the faid T. and entirely refuse and desist to deal, or trade with the same T. as before they used to And the same T. is forced and compelled to lay out and expend great Sums of Money for the Manifestation of his Innocence in this Particular, and he hath totally loft, and is deprived of divers Gains and Profits, which he could lawfully and honestly get in lawfully using and exercising his Business. Whereupon the same T. says that he is worsted and hath Damage to the Value of One hundred Pounds: And thereupon he brings his Suit.

(5.)For Words, You stole Bullocks Fat,

London, to wit: 7. T. complains of T. H. in the Custody —— (as before) —for that, to wit, that whereas the and Kidneys, aforesaid 7. now is a good, true, pious, just and honest Subject of our faid Lord the now King, and hath always from the Time of his Nativity hitherto carried, managed and governed himself as a good, true, pious, just and honest Subject of our faid Lord the now King, and his Ancestors Kings of this Realm, and was always reckoned, known, efteemed and reputed of good Name, Fame, Conversation and Condition, as well among his Neighbours as all other

ıd

nde

to

nd

at

on

nd

of ld

lly

rest-

of

he

of

re)

he

us,

ord

om

ar-

rest

ng,

m,

et-

ne,

on,

oher

ther Subjects of our faid Lord the now King, to whom the same J. was known, and hath lived and continued, for the whole Time abovefaid, as a good, true and just Man, and of honest Conversation and Condition, esteemed free from any Stain of Infamy, and without any Crime of Theft, Robbery, Falshood, Deceit or Covine, and from any Mark or Suspicion of the same, and from any fort of hurtful Crime. And also whereas the same J. for the Space of divers Years last past was a Butcher, and practifing the Art and Mystery of a Butcher, and before the Time of the speaking and declaring of the scandalous Words here afterwards mentioned, was employed to kill Bullocks and other Cattle in the Slaughter-House of our faid Lord the now King, for victualling the Navy of our faid Lord the now King. Yet the fame T. not ignorant of the Premisses of his own meer preconceived wicked Malice, contriviving, and maliciously and cunningly intending not only to hurt, injure and impair the good Name, Fame, Estate and Reputation of him the said 3. but also to cause the same 3. to be esteemed a Felon, and to bring him into Danger of losing his Life, having Discourse with the same 7. and of the Execution of his Office, and of the Bulineis

(

e

P

tl

D

a

b

ot

W

h٤

in 7.

m

lan Bu

an

da

his

F.

for as

fait

Kin

finess of him the said J. in the Slaughter-House of our faid Lord the King aforefaid, on the tenth Day of February, in the Year of our Lord One Thousand feven Hundred and thirty-one, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches in the Ward of Cheape, hath falfly and maliciously, openly and publickly spoke, uttered, published, and with a loud Voice pronounced these false, feigned, scandalous, malicious and opprobrious Englifb Words following to the same 7. and of the same 7. in the Presence and Hearing of very many creditable Subjects of our faid Lord the now King, then and there being prefent and hearing, to wit, You (meaning the aforesaid 7. the now Plaintiff) stole Bullocks Fat and Kidneys, (meaning the Fat and Kidneys of the Cattle of our faid Lord the now King, by him the faid J. for our same Lord the now King, in his Slaughter-House aforesaid, as is before related to be killed) and was turned out of your Service from the King's Slaughter-House, (meaning the Service of the aforesaid 7. as a Butcher in the Slaughter-House of our faid Lord the now King, for victualling his Navy aforefaid). By Pretext of the speaking, declaring and publishing of the faid false feigned

r-

e-

in

nd

71-

of

rd

ly,

ed,

ro-

da-

ng-

and

ear-

of

and

wit,

WO

Cid-

s of

wor

ame

ter-

d to

2011 eter-

the

ugh-

now

fore-

de-

gned

feigned, scandalous and defamatory Words, the same 7. is not only grievously hurt and injured in his good Name, Fame, Credit and Esteem, with (those by whom he used to be esteemed and reputed before the time of the publishing of the false Words aforefaid) but also the same 7. by reason thereof, hath incurred great Infamy, Discredit, and a bad Opinion among all his Neighbours, and other creditable Men; fo that his Neighbours and other faithful Subjects of our faid Lord the now King, and creditable Men with whom the same 7. before used to deal, have entirely refused, and still refuse in any manner to deal with the fame 7. by which means the same J. is very much worsted in divers Things, and in lawfully and honestly transacting his Business, to the great Impoverishment and Ruin of him the faid J. and to the damage of him the said 7. of four hundred Pounds: And thereupon he brings his Suit.

Effex, to wit: P. A. complains of (6.) F. A. in the Custody — (as be- For malicifore)——for that, to wit, that where-oully indicting as the aforesaid P. is a good, true, and at the Plaintiff faithful Subject of our Lord the now Quarter-Sef-King, and is of good Name, Fame, fions for Fe-Conversation

Conversation and Condition, and so was accounted, esteemed and reputed. as well among his Neighbours as other faithful Subjects of our faid Lord the King, and from the Time of his Nativity hath hitherto lived and continued, unhurt, unstained and unsuspected of any Sort of Theft, Robbery, Falshood, or from the Stain of any fuch Sort of Crime; and hath always hitherto lived a pious and honest Life. Yet the aforefaid F. not ignorant of the Premisses, but contriving and maliciously intending unjustly to oppress him the said P. and to hurt, impare and injure him not only in his good Name, Fame and Credit, but also to bring him into Danger of losing his Life, from his own meer vitious, preconceived Malice, and without any true or probable Cause or Colour thereof, at the general Quarter-Seffions of the Peace of our faid Lord the now King, held for the County of E. at C. in the same County, on Monday the eighth Day of April, in the fourth Year of the Reign of our faid Lord the now King, before Sir C. M. Baronet, I. M. — (and so forth) and others their Companions, Justices of our faid Lord the King, affigned to keep the Peace in the County aforesaid, and to hear and determine

I

1

2

ar

th

th

CO

ı,

er

e

i-d,

y

r

of

d

2-

s,

n

d

n-

'n

d

or

r-

rd of

7-

id

1.

6)

is,

n-

r-

10

mine divers Felonies, Trespasses and other Misdemeanours committed in the fame County, caused and procured a certain Bill of Indicament of Felony against him the said P. by the Name of P. T. late of —— to be falfly and maliciously written, and in the same Court against him the said P. to be exhibited, containing in it felf this false and scandalous Matter following, (to wit) That the aforesaid P.T. on the thirteenth Day of December, in the third Year of the Reign of our faid Lord the now King, with Force and Arms at B. in the County aforesaid, Six Geese of the Price of eighteen Shillings, and twelve Fowls of the Price of twelve Shillings, of the Goods and Chattles of the aforefaid F. A. then and there being found, then and there at B. aforesaid, in the County aforesaid, feloniously stole, took and carry'd away, against the Peace of our faid Lord the now King, his Crown and Dignity: Which faid Bill of Indictment was then and there found true, by the Jury of the Country then and there fworn and charged to enquire for our faid Lord the King, and the Body of the County aforesaid; whereby then and there at the same Sessions of the Peace, it was commanded by the same Court there I

fa

n

n

ci

P

ft

in

ai

be

of

W

W

up

to

fo

Su

is

an est

his

jeć

fro

the

to the Sheriff of the County aforefaid. that he should not omit by reason of any Liberty, but that he should take him to answer: And thereupon at that same general Quarter-Sessions of the Peace of our faid Lord the King, held for the County aforefaid at C. aforefaid, on Monday the faid eighth Day of April, in the fourth Year abovefaid, before the Justices abovementioned, and others their Companions, came the aforesaid P. T. according to a certain Recognizance by him and his Sureties in that Behalf first entered into, being led to the Bar there in his own proper Person. having stated the Felony aforesaid in the Indiament aforefaid, specified to be charged upon him, in what manner he would acquit himself thereof; the fame P. T. then and there faid that he was not guilty thereof. And thereupon of the good and the bad, the aforesaid P. put himself upon the Coun-And thereupon the same P. afterwards, to wit, at the same general Quarter-Sessions of the Peace, before the Justices of the Peace aforesaid, then and there, as is before related to be held by the Jury of the Country, in duc manner elected, tried and fworn, to fpeak the Truth of and upon the Premisses

f

t

f

>-

1-

r-

y

ir

d

n

0

er

e

10

e-

a-

n-

f-

al

re

en

ld

uc

to

reles misses aforesaid, of the Felony aforefaid, specified in the aforesaid Indictment above charged upon him, in due manner was acquitted, as by the Record thereof is manifest and may more fully appear. By Pretext of which faid Premisses the same P. is not only greatly hurt, injured and impaired in his good Name, Fame, Credit and Esteem aforesaid, which he was before indued with, but also he was forced and compelled to lay out and expend, divers great Sums of Money in and about the Defence of his Innocence, and the clearing, Delivery, and acquitting of him the faid P. in the Premisses. Whereupon the faid P. fays that he is worsted, and hath Damage to the Value of five Hundred Pounds: And thereupon he brings his Suit.

Essex, to wit: J. T. complains of (7.) F. A. in the Custody — (as before) For malicifor that, to wit, That whereas the a- only inditting foresaid J. is a good, true and faithful the Plaintiff Subject of our Lord the now King, and Felony. is of good Name, Fame, Conversation, and Condition, and fo was accounted, esteemed and reputed, as well among his Neighbours as other faithful Subjects of our faid Lord the King, and from the Time of his Nativity hath hitherto lived and continued unhurt, un-

as accessary to

Stained

5

b to go of

C

M

in

the

otl

afc

cet

the

rat

Bar

And

in 1

be

ner

of;

ther

not

the

stained and unsuspected of any Sort of Theft, Robbery, Falshood, or from the receiving, aiding, or Society of Felons, or from the Stain of any fuch Sort cured a certain Bill of Indictment of Felony against him the said J. by the Name of 7: T. late of — and one P. T. to be falfly and maliciously written, and in the same Court against him the faid 7. and the abovenamed P. to be exhibited, containing in itself this false and scandalous Matter following, to wit, That the aforesaid P. T. on the thirteenth Day of December -(and so on as in the next before, or in his Crown the Indictment to) and Dignity. And further that the aforesaid 7. T. sufficiently knowing that the aforesaid P. T. had done and committed the Felony aforesaid, in Form aforesaid, the same P. T. afterwards, to wit, on the same thirteenth Day of December, in the third Year abovefaid, at N. aforefaid in the County aforesaid, with the Goods and Chattles aforesaid, feloniously received, aided and affifted, against the Peace of our faid Lord the now King, his Crown and Dignity; which faid Bill of Indiament was then and there found and true,

of

e-

rt

0-

of

10

ne

it-

m

to

ais

ıg,

on

in

wn

the

ing ind

in

ter-

nth

ear

un-

nat-

aid-

our

own

In-

und

rue,

Staff will

Morals froben

of an especie

' 'N ... I 'be "

(armos) amos -aditou no i

true, by the Jury of the Country then and there fworn and charged to enquire for our faid Lord the King, and the Body of the County aforefaid, whereby then and there at the same Sessions of the Peace, It was commanded by the fame Court there to the Sheriff of the County aforesaid, that he should not omit by reason of any Liberty, but that he should take them to answer. And thereupon at that same general Quarter-Seffions of the Peace of our faid Lord the King, held for the County aforesaid at C. aforesaid, on Monday the faid eighth Day of April, in the fourth Year abovefaid, before the Justices abovementioned, and others their Companions, came the aforesaid P. and J. according to certain Recognizances by them and their Sureties in that Behalf, first separately entered into, being led to the Bar there in their own proper Persons. And having stated the Felony aforesaid in the Indictment aforefaid specified to be charged upon them, in what manner they would acquit themselves thereof; the same P. and J. then and there separately said, that they were not guilty thereof: And thereupon of the Good and the Bad, the aforefaid P. and the same J. put thomselves upon the Aa

THE CHIEF AS

th

68

AL

foi

da

tec

an

fai

10

kn

R.

Ye

bes

and

for

for

yer

obt

arc

for

nor

and

hil

m +

Ski

him

J. afterwards, to wit, at that same general Quarter Sessions of the Peace, before the Justices of the Peace aforesaid, then and there, as is before related to be held by the Jury of the Country, in due manner elected, tried and swom to speak the Truth, of and upon the Premisses aforesaid, of the Felony and Ostence aforesaid, specified in the aforesaid Indictment above, charged upon them in due manner, was acquitted, as by the Record thereof is manifest and may marefully appear. By Pretext of which said Premisses the same 7 is not only greatly hurt——and so only greatly hurt—and so only

N. 2. It's adjudged where Application is made to a Justice, and he sees Cante to bind the one over, and the other to prosecute in case of Acquittal, no Action lies.

(8.)
For these Words spoken of an Apothecary, (to wit)
You poisoned L. K.'s Child.

Occup, to wit: R. K. complains of M. K. in the Custody of the Marshal of the Marshalley of our Lord the King, before the King himself being, for that, to wit, That whereas the aforesaid R. is a good, true, pious faithful and honest Subject of our Lord the now King, and hath hitherto from the

b

n

e

Ų

g

of

ot

011

Įi-

he

nd lc-

Bil

of hal

the

pg

the

ous,

ord

mor

the

the time of his Nativity, bahaved and barried himfelf as a good, titte, pious faithful and hones Subject our faid Lord the now King and his Predeces fors, Kings and Queens tof this Kingdom, and for the whole Time aforefaid was reckoned eftermed and reputed of good Name, Fame, Behaviour Condition and Convertation well among his Neighbours as all other faithful Subjects of our faid Lord the now King, to whom the fame R. was known. And also whereas the same R. now is, and for the Space of five Years now last past and upwards, has been an Apothecary, and hath expertly and most skilfully exercised and used the Art or Mystery of an Apothecary for that whole Time, to wit, at in the County of Ocen aforefaid. And for the whole Time aforesaid hath very plenteously and sufficiently got and obtained his Living, and a Support for him the faid R. and his Family, by exsiciling and using the Art or Mystery aforesaid. Yet the aforesaid M. not ignorant of the Premisses, but contriving and maliciously intending, not only to burt, impair and injure him the faid R. in his good Name, Fame, Gredit, Skill and Esteem aforesaid, and to draw him the aforesaid R. into great Diffidence, Aaz lated

b

h

h

0

K

A

fe

Si

th

in

pı

ar

fa

fc

W

m

tiff

ing

L

for

cin

the

of

fca

W

hu

Fa

anc

dence, and to bring him into Discredit among all the Subjects of our faid Lord the now King, with whom the same R. had any Commerce in his Art or Mystery aforesaid or in any other manner, and to lessen the Reputation of him the faid Roin his Art or Mystery aforefaid, on the eighth Day of August in the fecond Year of the Reign of our Sovereign Lord GEORGE now King of Great Britain, at -aforesaid, in the County aforefaid, discouring with the same R. of and concerning the abovenamed R. and his Art or Mystery aforesaid, and of the Skill of him the faid R. in his Art or Mystery aforefaid, and of the Administration of Medicines by him the faid R. to the Son of one L. K. for his Cure of an Infirmity, of which he languished in the Presence and Hearing of very many Subjects of our faid Lord the now King then and there being present, did fallly, maliciously, openly and publickly, speak, affert, report, utter and publish of the same R. these false, feigned, scandalous and opprobrious English Words fellowing, to wit, You (meaning the aforesaid R. the now Plaintiff) porfoned L. K.'s Child, (meaning the aforesaid Son of the aforesaid L. K. to whom the same R. as is before related

lated, administred the Medicines for his Cure;) and the aforefaid M. out of his further preconceived Malice towards him the faid R. afterwards, to wit, on the same Day and Year abovesaid, at aforefaid, in the County aforefaid, having another Discourse with certain other Subjects of our faid Lord the now King, of the same R. and his Skill in his Art or Mystery aforesaid, in the Presence and Hearing of very many other Subjects of our faid Lord the now King, then and there being present and hearing, did falfly, maliciously, openly and publickly, speak, affert, report, utter, and with a loud Voice publish of the same R. these other false, seigned, scandalous and opprobrious English Words following, to wit, He (again meaning the aforesaid R. the now Plaintiff) poysoned L. K.'s Child, (again meaning the aforesaid Son of the aforesaid L. K. to whom the same R. as is before related, administred the Medicines as is before related) By Pretext of the speaking, uttering and publishing of which faid feveral falfe, feigned, scandalous and opprobrious English Words, the same R. is not only greatly hurt and injured in his good Name, Fame, Credit and Esteem aforesaid, and is greatly foundalized in his Art and Mystery A a 3

kly, lish led, lish

dit

ord

R.

Iy-

ler,

im

re-

in

our

ing

eid,

ing

ing

·Or

of

ery

ot

the

In-

the

any

ing

fly,

tiff)

the K.

ited

t

-

t

O

11

P

24

5722

10

fu

no.

Age.

at

br

T

is

fo

Mystery aforelaid, but also upon that Account his Neighbours, band divers other Subjects of our faid Lord the now King, with whom the fame R. then before used to deal in his Art for Mystery aforefaid, have withdrew themselves from the Acquaintance of him the faid R. and daily more and more withdraw them felves and have centirely refused and fill refute, and attenty defift to deal with himsthe faid R. in his Art or Mystery aforesaid, whereby the same R. is very rituch injured in tramacting divers lawful and honest Affairs; to the very great Impoverishment and Ruin of him the faid Raind to the Damage of him the faid R. of five Hundred Pounds: And thereupon he brings his Suit.

He (again aniwollo) -n Note: Thefe land all other special Declarations, are easily threed into the Common Pleas Form beas for Inftance Suppose the last to be forserved, you are to begin, by Occombato thit: M. K thate of 1 ve (was attached to answer to Rikaobia. Plea of Trespais on the Cafe : And whereupon the fame R dy J. Eathis Attorney complains that Whereas a the afore laid a Rads a book true, pious, faithful and honest Subject and for on to the End-And thereupon he brings his Suitern a bos When Myftery

of Deta

When you come to the Place where. that is the Venue laid in the Declaration, you may leave out the Words in the County aforefaid, movhich in these special Declarations seems the only Difference between the Phrase or manner of the two Courts

And observe that in the Common Pleas in drawing your Declaration,

as a Bond Ophicorpore

In debt, Covenant, Detinue Account, Replevin, also merch berein och

You must say the Defendant was fummoned to answer: Body Coods or Lette

And,

at

rs

W e-

TY

ves

uid

W

fed

eal

or

me ing the

of e of

ids:

cia

nce

ate . K

wo

sthe

R

that

2000

bjet

And

Vher

In Case, 35 Trover and Trespass, 52 Ejectment, first continue to the

PART WALL STATE OF SAME

You must fay the Defendant was attached to unfiver But if it is fummoned instead of attached itis faid to be but Form, band aided after Verdict, 1 Cro. 91. 2 Cro. 85. - 108. Yet it is much better to keep to regular Forms for fear of a Demurrer.

Aa4

OF

and in a first Debt. voil may "leave ont the Words

The Nature of Debt.

A Ctions of Debt are various, fome-La times being grounded on an A& of Parliament, a Judgment, a Statute, or a Recognizance; fometimes upon a Writing, as a Bond Obligatory, a Bill penal, Covenant, or other Specialty; and fometimes without Writing, as upon Arbitrement, Escape against Sheriffs or other Officers, Receipt, and upon a Contract by Word of Mouth, and the like; and in all these Cases if you obtain a Judgment by Default, (the Debt herein being certain) tis final, and you may have immediate Execution against the Defendant's Body, Goods or Lands.

How to declare upon a Bond dated at

Observe, upon a Bond dated, made, fealed and delivered at Port Saint Daa Place beyond vid's in the East-Indies, the Declaration ought to be of a Bond made at Port Saint David's in the East-Indies, to wit, at Illington in the County of Middlefex, or in some other Place in the County where you intend to try your Cause; as you may before observe, (where the Venue arises beyond Sea) in the Declaration of Trover for Negroes.

Page 165.

And

0

t

d

fo d

0

In F

T

D

L be

And Note, where a Man Pleads any A Deed plead-Deed which is the Substance of his Plea, bewn, and a or Declaration, it must be with a Shew- Copy delivered ing to the Court, or upon a special De- if demanded. murrer it will be ill; and if a Sight of it be demanded it must be produced; and if a Copy be demanded, he cannot proceed till a Copy of it is delivered at the Charges of him that requires it. 2 Lill. Reg. 120.

And in the Common Pleas 'tis usual common to add the Condition of the Bond to the Pleas. Declaration, as you may after observe, and 'tis faid the Defendant is not obliged to plead 'till he hear the Condition of the Bond in manner aforefaid; yet in making up the general Issue no Notice is taken of the Imparlance or Con-

dition.

ne-

Aa

ite,

noc

a

eci-

/ri-

2-

Re-

of

efe

by

er-

m-

en-

de,

Da-

ion

ort

to id-

the

our

ve.

ea) Ne-

Ind

And in the King's Bench in Debt or King's Bench. Account, in the Declaration, after the Words -- in the Custody -- (and so forth) you fay, Of a Plea that he render to him, -and in Covenant-Of a Plea of Covenants broken, In Case, Ejectment, and Trover, -For that, to wit, that whereas, in Trespass, Of that, that he, And in Debt upon Statutes qui tam, you begin A. B. who fues as well for our Lord the King as for himself, in this behalf, complains of C. D. in the Cuf-

Small has I h.

to have a market

Copyrights were at

कर्त की भारत रे क

tody of the Marshal of the Marshalfey of our Lord the King, before the King himself being, of a Plea that he render to our faid Lord the King, and to the same A. B. (who as well for our faid Lord the King as for himself profecuteth) One Hundred Pounds of good and lawful Money of this Realm, which to our faid Lord the King, and to the fame A. B. who as well for our faid Lord the King as for himself profecuteth, he oweth, and unjustly detains, for that, to wit, that whereas by a certain A& of Parliament—and so on, conchding, To the Damage of him the faid A. who fues as well for our faid Lord the King as for himself, of one Hundred Pounds: And thereupon, as well for our faid Lord the King as for himfelf, he brings his Suit.

In Replevin the Form of both Courts are alike, but the King's Bench feldom name what Place the Defendant is off, unless it is upon a Bond, Indenture, or other Deed, and then they are exact, as C. D. otherwise called C. D.

of London Gentleman.

Again in the King's Bench, in declaring upon a Bond, Bill, or Indenture, after the Recital of the Date of the Specialty, they say, And now shewed here to the Court of our said Lord the

King,

K

11

I

16

D 由

Ю

b

P

b

ar

ec

CI

C

h

0

a

ey

ge

er

he

id

V-

nd

to

ne

rd

he

ıt,

A

41-

uid

rd

m-

ell

m-

rts

el-

uit

en-

arc

D.

de-

re,

the

ned

the

ng,

By the year A was made in the

the thinks on

administrell

King: Whereas in the Common Pleas they conclude their Declarations with, And he brings here into Court the Writing aforefaid, by which the Debt aforesaid in Form aforesaid is restifted, The Date of which is the Day and Year abovefaid, —as .you may observe in the Precedents follow-Parlon, Nicur, Maker of an Holpinghi or the like; after his I touth his Exem-

1. This Action of Debt must be By the Credibrought by, and in the Name of the tor bimfelf. Party to whom the Debt is due, if he dok, as to haver and consgnivit sel

2. After his Death his Executors or cutors or Administrators must bring the Action; Administraand if the Executor be within Age, Administrator then the Administrator, during fuch Ex-during Execuecutor's Nonage, must bring the Action. tor's Nonage.

3. If one or more of the Executors By the fur-(who have taken upon them the Exe- tors. cutorship) die, then the Survivor or Survivors must bring the Action.

4. And if they be all dead, the Ex- By the Execucouter of the last Survivor must have

5. If there be but one Executor, and By the Exehe dies after Acceptance, the Executor cutor of an of that Executor shall have an Action; and so ad Infinitum.

SANKE WE WELL

east of a time

.038 .god)

By bis Exetors; by the viving Execu-

tor of the Jurvising Execu-

ver minute.

- Arthurenthis

ipac en la la politica de la constituia p

The Cierts

By the Administrator of the Goods ansadminifred.

6. If an Executor die Intestate, the Administrator (de bonis non Administratis) of the Goods unadministred must have the Action. Dyer 24, 471. 3 Cro. 9. An Heir, as fuch, cannot have this Action, but as an Executor. F. N. B. 120. ab Sastavada voo

By an Execusor of a Bi-Stop, &cc.

white the Property -Land alle

7. If the Debt was due to a Bishop Parson, Vicar, Master of an Hospital, or the like; after his Death his Executors or Administrators, and not his Succeffors, shall have this Action.

By Successor of a Body Po-

8. But if it was due to a Body Politick, as to a Mayor and Commonalty, Dean and Chapter, or the like, in their Politick Gapacity; there the Successor, not the Executor shall have it. 4 Co. 65. F. N. B. 120. 34 Ed. 2. 9.

Against whom the Action must be brought.

Against the Debtor binsfelf.

Against the Executor.

1. It must be brought against the Party that originally owed the Debt, if he be living.

2. After his Death against the Executor, (if he made any) that hath taken upon him the Executorship.

Against the Administra-

3. If no Executor, then against the Administrator appointed by the Ordinary.

4. If

i

8

b

a Cf

ai

171

u

th

to A

nii an

Int

27 Ne

to

wh

Ad

wh

P

De

hav

cenz

Ple

4. If none appointed by the Ordinary, Against the then against the Ordinary himself; or if he die possessed of the Goods, then against the Executor of the Ordinary.

5. And if an Executor die after he Against the hath accepted the Administration, then Executor of an against the Executor of an Executor Executor. from Time to Time, ad infinitum, if any fuch made.

6. But if no fuch Executor made, Against an Althen against the Administrator (de bo-ministrator of nis non administratis) of the Goods administred.

unadministred.

(1

e

9.

is

3.

1-

•

į.

7,

n

e

ie

d.

16

t,

e-

a-

10

li-

If

7. And if the Administrator (of the Against the first Intestate) die intestate, then against sor of an Adthe Administrator of that Administra- ministrator. tor, being Administrator (de bonis non Administratis) of the Goods unadministred, but not against the Executor of an Administrator for the Debt of the Intestate. 5 Co. 9. Dyer 112, 160, 174, 271. F. N. B. 120. Westm. 2 Cap. 19. Nor against an Executor or Administrator of a Lessee for Years for Rent, where the Lessee or his Executors or Administrators have assigned over their whole Term. 3 Co. 23.

It lieth against an Heir bound by the Hein Deed of his Ancestor, if the Executors have not sufficient; but (nil per discensum) Nothing by Discent is a good Plea, if he alien the Assets before Action,

Manufactoria

Codingry. &

Ale Clerk's

Action, unless it be fraudulent to de: ceive Creditors. 5 Co. 60.

He owes and detains.

ndt Aning?

Executor.

Executor of an

The Writ shall be in the (Debet) he owes, and (Detinet) he detains for Money due to a Man in his own Right; but if it be brought by or against Executors, there it shall be in the (Detinet) he detains only. 5 Co. 31. 19 H. 8.8.

He detains only. - his on Bring h

To work of in one

time Counte un-

. ads Ania st.

-Left ansold Ab on to my

ministration.

It lies not against Executors upon a simple Contract made by the Testator.

Upon a Specialty, if Money be due

an Action of Debt only lies.

If a Man owe another to hand give a Note of his Hand for it upon a Mutuatus (Borrowing); yet herein the Defendant may wage his Law : But for this an Action of Case lies also, and in that the Defendant cannot wage his Law,

But properly an Action of Debtideth lic upon a perfect Contract in Law betwixt the Parties; for generally where the Law directs a certain Action, there an Action of the Cafe is not to be brought. Pract. Regist. 104.

Upon a fingle Bill to pay Money at feveral Days, this Action may not be brought 'till all the Days are past; ner ther upon a Leafe of personal Things rendering Rent at feveral Days.

But

C

or Le

WI

mi

up

31

the

the

the

tog

Hu

abe

for

not me

Ma

the

live

the

em

Hu

are

 \mathbf{I} Bon

ban

the reco

But if it be by Recognizance, special Condition of an Obligation, Covenant, or the Reservation of Rent upon a Leafe made of a real Thing, it is otherwife.

So an Action of the Case upon Promises to pay at several Times, will lie upon every Failure. 4 Co. 94. Dyer

e-

10

or

i 0-

1)

8. a

r.

e,

ve.

11-

10

ut p

145

th

0

re

n,

be

at

be

ei

gş

ut

If a Woman fole be indebted and then take a Husband, it is now become the Debt of the Husband and Wife, and the Wife ought to be fued for this Debt together with the Husband; and if the Husband die, whereby the Action is abated, yet the Wife may be fued again

for this Debt. Pract. Reg. 105.
But if the Woman die, the Man is not liable after, unless there be a Judgment against them both during the Marriage; if there be he must fatisfy it.

An Action of Debt doth lie against the Husband for Goods which were delivered as fold unto the Wife, because the Law doth intend that they were employed, and came to the Use of the Husband, and the Husband and Wife are but one Person. Pract. Reg. 102.

If a Feme fole have owing 100 l. by Bond, and marries and dies, the Husband must take out Administration of the Goods of his Wife, if he intend to

recover.

pofant.

An Infant is liable to pay for his Meat, Drink, Cloaths, Phylick, Teaching, and other Necessaries; but if he enter into a Bond for it, or come to an Account, an Action of Debt doth not lie against him upon the Account stated, and he may avoid the Bond by pleading infra etatem (Nonage). 18 E. 4. 3.

It lies upon a Judgment obtained in

any Court of Record.

It lies for an Amerciament in a

It lies against a Sheriff for Monies by him levied, by Virtue of a Fieri facias.

It lies against a Gaoler of Keeper of a Prison, for suffering a Prisoner in Execution to escape, but not against his Heir. Dyer 322.

It lies upon an Emisser (he had bought) for Goods fold and delivered, but herein the Defendant may wage his Law; yet in an Action of the Case

brought for them, he cannot.

It lies against a Man upon the Statute 8 Eliz. cap. 2. for arresting, or causing One to be arrested in another Man's Name, without his Consent.

It lies for a Parson against a Parishioner for not setting out Tithes, where in the Plaintist shall recover the treble Value by Statute. 2 Ed. 6. cap. 13.

If

fo A

m

an

Co

tic

for

tri

the

Ca

the

Co

the

to

of

the

it i

De

Pr

ado

tee

C.

of 1

bef

tha

goo

If One deliver Goods to a third Perfon for my Use, I may either have an Action of Debt or Account for them at my Election.

It lies against a Hundred for a Rob-

bery, per 27 Eliz. 13. Wood broom? orli

Care should be taken not to bring Actions under any Action, or in the King's Bench or 40 s. are be-Common Pleas, beneath the Jurisdic- neath the Digtion of the respective Courts; that is Courts of Wesfor less than forty Shillings: And in minster Hall. truth for the Recovery of small Debts there are Courts in every City and County, held before the Sheriffs or their Deputies, besides several Lords Courts, Gc. and to this purpose was the Statute of Gloucester, which seems to be evaded by declaring for upwards of forty Shillings, wherein, although the Plaintiff recovers but five Shillings, it is held well; and in this Action for Debt upon a Judgment (to wit) a Non Pros for thirty - three Shillings by adding a Mutuatus for seven or seventeen Shillings, or the like, 'tis good.

London, to wit: A. B. complains of A Declara-C.D. in the Custody of the Marshal tion in Debt of the Marshalsey of our Lord the King, tus (borrowbefore the King himself being, of a Plea ing) commonly that he render to him thirty Pounds of a fudgment good and lawful Money of Great Bri-upon a War-ВЬ

tain, rant of At-& Bond.

his

ch-

he

an

not

ed.

ing

in

8

by

as.

of

X-

his

ad

ed.

his

afe

ta-

or her

hiere-

ble

13.

If

tain, which he owes to him and unjustly detains; for that, to wit, that whereas the aforesaid C. on the tenth Day of April, in the fifth Year of the Reign of our Sovereign Lord GEORGE the Second, now King of Great Britain at London aforesaid, to wit, in the Parish of Saint Mary of the Arches in the Ward of Cheape, had borrowed of the same A. the aforesaid thirty Pounds, to be paid to the same A. when afterwards he should be thereunto required. Yet the aforesaid C. although he was often thereunto required, hath not paid the aforesaid thirty Pounds to the same A. but hath hitherto entirely denied, and still doth deny to pay that to him; To the Damage of him the faid A. of forty Pounds: And thereupon he brings his Suit.

(2.)
Upon a Bond.

London, to wit: A. B. complains of C. D. otherwise called C. D. of London Goldsmith, in the Custody—

(exact as above to)—of Saint Marry of the Arches in the Ward of Cheape, by his certain Writing Obligatory, sealed with the Seal of him the said C. and now shewed here to the Court of our said Lord the King, the Date whereof is the same Day and Year, acknowledged himself to be held, and firmly bound

ta

to

thi

A.

unt

65

Wi

oth

the

Me

for

tha

of

Br

uni

wh

ten of

GI

Gn

of

ting

of

ed

the

Da

to

abo (by

Wi

to the abovenamed A. in the aforesaid thirty Pounds, to be paid to the fame A when afterwards he should be thereunto required; yet the aforesaid C. as above to the End——And thereupon he brings his Suit.

t h

ne

R

72 le

in

of

S

r-

d.

as

id

10 d,

1; of

gs

of

11-

a-

e,

alnd

ur

of

ed nd

to

Suffer, to wit: John H. and Anne his Wife, complain of Daniel C. Esquire, Upon a Bond otherwise called Daniel C- in Plaintiff's the Custody of the Marshal of the Wife while Marshalfey of our Lord the King be- which the Defore the King himfelf being, of a Plea fendant was that he render to them thirty Pounds fued after their of good and lawful Money of Great Britain which he owes to them and injustly detains; for that, to wit, that whereas the aforefaid Daniel on the tenth Day of April, in the fifth Year of the Reign of our Sovereign Lord GEORGE the fecond, now King of Great Britain at Lewes in the County of Suffex aforesaid, by his certain Writing Obligatory, fealed with the Seal of him the faid Daniel, and now shewed here to the Court of our faid Lord the King, the Date whereof is the same Day and Year, acknowledged himfelf to be held and firmly bound to the abovenamed Anne while she was fole by the Name of Anne C. of London Widow) in the aforesaid thirty Pounds B b 2

Marriage.

no

af

M

CI

ga fai

fh

L

the

hin

to

fai

fai

be

Pa

the

fel

Ye

10

of

the

afc

nai

the

his

aft

eit

nie

the

pay

ma

Po Su

to be paid to the same Anne when afterwards he should be thereunto required. Yet the aforesaid Daniel, although he was often thereunto required, bath not paid the aforefaid thirty Pounds to the abovenamed Anne while she was fole, nor to the abovenamed 70hn and Anne after the Marriage celebrated between them, but hath hitherto entirely denied, and still doth deny to pay that to them; to the Damage of them the said 70hn and Anne of thirty Pounds, And thereupon they bring their Suit.

(4.) Upon a Bond against an Heir.

ite, selecti

which fire De-

made refer here

Infunction book to London, to wit: E. B. complains of E. S. Gentleman, Son and Heir of W. S. Gentleman, his late Father deceased, otherwise called W.S. the Custody of the Marshal of the Marshalley of our Lord the King before the King himself being, of a Plea that he render to him thirty Pounds of good and lawful Money of Great Britain, which he owes to him and unjustly detains; for that, to wit, that whereas the aforefaid W. S. (the Father of him the faid E. S. and whose Heir he the faid E. S. now is) in his Life-time, to wit, on the tenth Day of April, in the fifth Year of the Reign of our Sovereign Lord GEORGE the Second now

I

hen

un-

Da-

nto faid

nne

ove-Lar-

but

Aill

to

ere-

uns

of

de-

-in

ar-

ore

hat

ot

Bri-

un-

hat

her

he

ne,

in

So-

ond

OW

now King of Great Britain at London aforefaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, by his certain Writing Obligatory, fealed with the Seal of him the faid W. in his Life-time, and now shewed here to the Court of our faid Lord the King, the Date whereof is the fame Day and Year, acknowledged himself to be held, and firmly bound to the abovenamed E. B. in the aforefaid thirty Pounds, to be paid to the fame E. B. when afterwards he should be thereunto required, and for the fame Payment well and truly to be made, the aforesaid W. the Father bound himfelf and his Heirs by the fame Writing. Yet the aforefaid W. in his Life-time, or the aforesaid E. S. after the Death of him the faid W. although often thereunto required, have not paid the aforefaid thirty Pounds to the abovenamed E. B. neither hath either of them paid it, but the aforesaid W. in his Life-time, and the aforesaid E. S. after the Death of him the faid W. or either of them have hitherto entirely denied to pay that to the fame E. P. and the aforesaid E. S. still doth deny to pay that to the same E. B. to the Damage of him the faid E. B. of thirty Pounds: And thereupon he brings his Suit.

Mid-

Y

L

D

af

D

al

n

th

al

de

hi

af

ar

de

fa

fa

u

C

ai

h

E

m

OE

0

٧.

(5.)
Upon a Bond
by an Executor against an
Heir.

Middlesex, to wit : L. P. Executor of the last Will and Testament of E.P. Gentleman, lately deceased, complains of Renjamin T. Son and Heir of Benjamin T. his late Father deceased otherwise lately called B-Tin the Custody—as before of a Plea that he render to him thirty Pounds of good and lawful Money of Great Britain which he owes to him. and unjustly detains, for that, to wit, that whereas the aforesaid B. the Father, (whose Heir he the faid B. the now Defendant is) in his Life-time, to wit, on the third Day of June, in the Year of our Lord One Thousand seven Hundred and thirty, at the Parish of Saint Clement Danes in the County of Middlesex aforesaid, by his certain Writing Obligatory, fealed with the Seal of him the faid B. the Father, in his Life-time, and now shewed here to the Court of our faid Lord the King, the Date whereof is the same Day and Year, acknowledged himfelf to be held and firmly bound to the abovenamed E. in his Life-time, in the aforesaid thirty Pounds to be paid to the fame B. when afterwards he should be thereunto required; and for the fame Payment well and truly to be made, the aforesaid B. the Father bound himself and or

P.

ins

71ed,

-

ty

of

m, it,

a-

he

to

he

en of

of

in ne

in

re

g,

ıd ld

be

id 5.

6-

7-

e

f d

and his Heirs by the fame Writing. Yet the aforesaid B. the Father, in his Life-time, or the aforesaid B. the now Defendant (the Son and Heir of the aforesaid B. the Father) after the Death of him the faid B. the Father, although often thereunto required, have not paid the aforesaid thirty Pounds to the same E. in his Life-time, or to the abovenamed L. after the Death of him the faid E. but have hitherto entirely denied to pay that to the same E. in his Life-time, or to the abvenamed L. after the Death of him the faid E. and the aforesaid B. the now Defendant ftill doth deny to pay that to the same L. to the Damage of him the faid L. of thirty Pounds: And thereupon he brings his Suit. ad of school

And the fame L. brings here into Court the Letters Testamentary of the aforefaid E. by which it fufficiently appears to the Court here, that he the faid L. was Executor of the faid Last Will of the aforesaid E. and that he

has the Administration thereof.

Middlesex, to wit : Richard H. Executor of the Last Will and Testa- Upon a Bond ment of Flowerd H. Lie Into Fother de by an Execument of Edward H. his late Father, de- tor. ceased, complains of John B. Esquire, otherwise called in the Custody Vash B b 4

The Clark's

de

ab

E

to

of

bri

油

int

of

fu

th

of

fai

m

. 3

m

th

C

the

th

te

tle

in

P

of

Bhi

th

hi

te Yi

of the Marshal and before of a Plea that he render to him one thousand Pounds, of good and lawful Money of Great Britain, which he unjustly detains from him, for that, to wit, That whereas the aforefaid John, on the twentieth Day of October, in the Year of our Lord one thousand feven hundred and thirty, at Westminster, in the Gounty aforefaid, by his certain Writing Obligatory, fealed with the Seal of him the faid fobz, and now hewed here to the Court of our faid Lord the King, the Date whereof is the fame Day and Year, acknowledged himself to be held and firmly bound to the above-named Edward H. in his Lifetime, in Athe aforefaid one thousand Pounds, to be paid to the fame Ed ward H. when afterwards he should be thereunto required. Yet the aforefaid John, although he was oftentimes thereinto required, hath not paid the aforesaid one thousand Pounds to the above-named Edward H. in his Lifetime, or to the above-named Richard, after the Death of him the faid Edward; but hath hitherto entirely denied to pay that to the above-named Edward in his Lifetime, or to the above named Richard, after the Death of him the faid Educated and yet doth deny

(6.) Upon a Bood by an Excess 4

d

of

Đ.

at

10

ar

1

10

18

of

ed

ne

ne elf

ne e-

nd

dbe

id

les

he

he

e

rd.

d-

le-

ed

he

th

th

ny

deny and unjustly detain that from the above named Richard, in Delay of the Execution of the Last Will aforesaid, to the Damage of him the said Richard of twenty Pounds: And thereupon he brings his Suit.

And the same Richard brings here into Court the Letters Testamentary of the aforesaid Edward, whereby it sufficiently appears to the Court here, that he the same Richard was Executor of the Last Will aforesaid, of the aforesaid Edward, and that he has the Administration thereof.

although he was often then then the London, to wit: William W. Gentleman, Administrator of all, and fingular Upon a Bond the Goods and Chattels, Rights and by an Admini-Credits, which were of Oliver W. Gentleman, his late Father, deceased, at the Time of his Death, who died intestate, complains of Thomas L. Gentleman, otherwise called Thomas I. in the Custody — as before — of a Plea that he render to him eighty Pounds of good and lawful Money of Great Britain, which he unjustly detains from him, for that, to wit, That whereas the aforesaid T. in the Life-time of him the faid O. to wit, on the hineteenth Day of September, in the fifth Year of the Reign of our Sovereign commit-Lord

CI

hi

th

de

fi

A

te

m

A

d

C

afe

of

Fo

of

all

tel

R. the

teft

in t

172

to t

teer

fore him

now faid

Lord George the Second, now King of Great Britain, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, by his certain Writing Obligatory, fealed with the Seal of him the faid T. and now shewed here to the Court of our faid Lord the King, the Date whereof is the fame Day and Year, acknowledged himself to be held and firmly bound to the fame O. in his Life-time, in the aforefaid eighty Pounds, to be paid to the same O. when afterwards he should be thereunto required. Yet the aforesaid T. although he was often thereunto required, hath not paid the aforefaid eighty Pounds to the same O. in his Life-time, or to the aforefaid W. after the Death of him the faid O. (to which faid W. Administration of all, and fingular the Goods and Chattels, Rights and Credits which were of the aforesaid O. at the Time of his Death, who died intestate, after the Death of him the faid O. to wit, on the twenty-eighth Day of April, in the Year of our Lord one thousand seven hundred and thirtytwo, by William by Divine Providence Archbishop of Canterbury, Primate and Metropolitan of all England, at Liondon aforesaid, in the Parish and Ward aforefaid, in due Form of Law was commitcommitted;) but hath hitherto entirely denied to pay that to the same O. in his Life-time, or to the fame W. after the Death of him the faid Q. and yet doth deny and unjustly detain that from the same W. in Delay of the due Administration of the Goods and Chattels of the aforefaid O. and to the Damage of him the faid W. of ten Pounds: And thereupon he brings his Suit.

And the same W. brings here into Court the Letters of Administration aforefaid, which testify the Commission of Administration aforesaid to him in

Form aforefaid.

of

to

be

is

th

W

id

IS

ed

to

he

to

ıld

uid

rebis his

ter

ich inhts

aid

ho

im hth

ord rty-

nce

and

1011ard

was

nit-

London, to wit: T. K. complains of E. H. Widow, Administratrix of Upon a Bond all and fingular the Goods and Chat-against an Adtels, Rights and Credits which were of R. H. her late Husband, deceased, at the Time of his Death, who died Intestate, otherwise lately called R. Hin the Custody of the Marshal - (as in the next before to) — for that, to wit, That whereas the aforefaid R. in his Life-time, to wit, on the nineteenth Day of September — (as before to) --- fealed with the Seal of him the faid R. in his Life-time, and now shewed here to the Court of our aid Lord the King, the Date whereof 15

is the same Day and Year, acknowledged himself to be held and firmly bound to the abovenamed T. in the aforefaid eighty Pounds, to be paid to the same T. when afterwards he should be thereunto required. Yet the aforefaid R. in his Life-time, and the aforesaid E. after the Death of him the faid R. although oftentimes thereunto required, have not paid, neither hath either of them paid the aforesaid eighty Pounds to the same T. But the aforefaid R. in his Life-time, and the aforesaid E. after the Death of him the faid R. or either of them, have hitherto entirely denied to pay that to the fame T. and the aforefaid E. ffill doth deny and unjustly detain that from the fame T. to the Damage of him the faid T. of ten Pounds: And thereupon he brings his Suit.

u

0

n

fa

th

th

hi

de

to

br

tle

tle

of

Ki

of

hu

Gr

and

(9.) Upon a Bond against an Executrix. London, to wit: J. H. complains of M. F. Widow, Executrix of the Last Will and Testament of H. F. her late Husband, deceased, otherwise lately called H. F—— in the Custody—— (as above to)—— for that, to wit, That whereas the aforesaid H. in his Life-time, to wit, on the nineteenth Day of September—— (as before to)—— sealed with the Seal of him the said H. in his Life-time, and now shewed

shewed here to the Court of our said Lord the King, the Date whereof is the same Day and Year, acknowledged himfelf to be held and firmly bound to the abovenamed 7. in the aforesaid eighty Pounds, to be paid to the same J. when afterwards he should be thereunto required. Yet the aforesaid H. in his Life-time, and the aforesaid Mafter the Death of him the faid H. although oftentimes thereunto required, have not paid neither hath either of them paid the aforesaid eighty Pounds to the fame 7. But the aforesaid H in his Life-time, and the aforesaid M. after the Death of him the faid H. have hitherto entirely denied to pay that to him, and the aforefaid M. still doth deny and unjustly detain that from him, to the Damage of him the faid J. of twenty Pounds: And thereupon he brings his Suit. I leme wet at avotable

r

d

e

e

e

e

e

n

15

e

75

2-

ly

O

in

th

)

je

W ed

dred Pounds of like lawful Mondy of London, to wit: William K. Gentleman, complains of James Si. Gen- On a Penal tleman, otherwise named James S. of Bill. in the Custody of the Marshal of the Marshalley of our Lord the King, before the King himself being, of a Plea that he render to him one hundred Pounds of lawful Money of Great Britain, which he owes to him, and unjustly detains, for that, to wit, That

th

ar

by

W

at

di

qu

dr

ye

the

of

his

pla

Ro

as

der

of hin

wit.

bert

in t seve

afor

Mar

Che

feal

Rob

Con

That whereas the aforefaid James, on the fecond Day of July, in the Year of our Lord one thousand seven hundred and thirty-two, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches. in the Ward of Cheape, by his certain Bill Obligatory, fealed with the Seal of him the faid Fames, and now here shewn to the Court of our faid Lord the King, the Date whereof is the fame Day and Year, acknowledged himself to owe and be indebted to the abovenamed William in fifty Pounds of lawful Money of Great Britain, to be paid to the same William, his Executors, Administrators or Assigns, upon the third Day of November then next after the Date of the faid Bill; for which faid Payment well and faithfully to be made, the aforefaid James bound himfelf, his Heirs, Executors and Administrators, in the penal Sum of one hundred Pounds of like lawful Money of Great Britain, firmly by the same Bill. And the aforesaid William in Fact fays, that the aforesaid James hath not paid the aforesaid fifty Pounds to the abovenamed William, upon the aforefaid third Day of November then next after the Date of the Bill aforefaid; which he ought to have paid to him on et et ex, which a over to and,

and unjury detains, for that, to ust,

the same Day, according to the Form and Effect of the aforesaid Bill; whereby an Action has accrued to the same William to demand and have of the abovenamed James the aforesaid one hundred Pounds. Yet the aforesaid James, although he was oftentimes thereunto required, hath not paid the same one hundred Pounds to the abovenamed William; but hath hitherto entirely denied, and yet doth deny to pay that to him, to the Damage of him the said William of ten Pounds: And thereupon he brings his Suit.

n

f

n

d

e

0-

00 d-

d

ne

d

be

n-

i-

n-

of

11.

act

ot

he

re-

ext id;

on

the

London, to wit: William H. com- (11.) plains of Robert S. otherwise named Upon a Penal Robert S - in the Custody Bill, to be paid as before — of a Plea that he ren- times. der to him fix Pounds of lawful Money of Great Britain, which he owes to him, and unjustly detains, for that, to wit, That whereas the aforesaid Robert on the twenty-first Day of October, in the Year of our Lord one thousand leven hundred and thirty, at London aforesaid, to wit, in the Parish of Saint Mary of the Arches, in the Ward of Cheape, by his certain Bill Obligatory, ealed with the Seal of him the faid Robert, and now here shewn to the Court of our faid Lord the King, the Date

Date whereof is the fame Day and Year, hath bound himfelf, his Executors and Administrators to the same William H. of the Parish of Saint Anne's Westminster, in the County of Middlesex, Carpenter, his Executors, Administrators and Affigns, in the Penal Sum of fix Pounds of lawful Money of Great Britain, conditioned for the Payment of three Pounds three Shillings eight Pence and three Farthings of like Money, in manner following, to wit, twenty Shillings thereof upon the twenty-fixth Day of December next ensuing the Date of the Bill aforefaid, twenty Shillings more thereof upon the twentieth Day of March then next enfuing, the Date of the Bill aforefaid, and twenty and three Shillings eight Pence and three Farthings, the Remainder thereof, upon the twentyfifth Day of June then next enfuing, the Date of the faid Bill, without Fraud and Default in any of the faid Pay-And the aforesaid William in ments. Fact fays, that the aforesaid Robert hath not paid to the abovenamed William the aforesaid twenty Shillings upon the twenty-sixth Day of December then next enfuing the Date of the faid Bill, nor twenty Shillings more thereof, upon the aforesaid twentieth Day of March then -571C

h

I

a

to

R

al

al

Si

G

of

for

the

go

tai

jus

wh

fixt

Yes

hur

faic

ıd.

1-

le:

1t of

rs,

al

ey,

ne. il-

gs.

Wof.

772ill

of en

re-

igs

he

ty-

ng,

lud ay-

in

pert

Vil-

pon

hen

Bill,

pon

arch

then

then next enfuing the Date of the Bill aforefaid, nor twenty and three Shillings eight Pence and three Farthings, the Remainder, upon the twenty-fifth Day of June then next ensuing the Date of the Bill aforefaid, nor any Part thereof, upon the aforesaid several Days of Payment, which he ought to have paid to him upon the same several Days of Payment, according to the Form and Effect of the Bill aforesaid, whereby an Action accrued to the same William to demand and have of the abovenamed Robert the aforesaid six Pounds. Yet the aforesaid Robert — as in the next above - And thereupon he brings his Suit.

London, to wit: William C. and Jane his Wife, complain of Samuel G. Upon a Penal Gentleman, otherwise named Samuel G. Wife while she of — in the Custody — as be- was sole, and fore — of a Plea that he render to Marriage. them one hundred and fixty Pounds of good and lawful Money of Great Britain, which he owes to them, and unjustly detains, for that, to wit, That whereas the aforesaid Samuel on the fixteenth Day of December, in the Year of our Lord one thousand seven hundred and thirty, at London aforefaid, to wit, in the Parish of Saint Mary

(I2.)

wy

al

to

Sa

fix

al

re

on

ab

or

7a Mi

bu

MI

the

anc

the

pla

dy

our

hin

der

law

fhe

for

afor

Mary of the Arches, in the Ward of Cheape, by his certain Bill Obligatory, fealed with the Seal of him the faid Samuel, and now here shewn to the Court of our faid Lord the King, the Date whereof is the same Day and Year abovefaid, acknowledged himfelf to owe and be indebted to the abovenamed Jane while she was sole, by the Name of Jane G. his Sister, of the Parish and County aforesaid, Spinster, the full and whole Sum of eighty Pounds of good and lawful Money of Great Britain, to be paid to the same Jane, her Executors, Administrators or Assigns, in and upon the twentyninth Day of September then next enfuing, the Date of the faid Bill, for which faid Payment well and faithfully to be made, he the faid Samuel G. bound himfelf, his Executors and Administrators, in the Sum of one hundred and fixty Pounds of good and lawful Money of Great Britain firmly by the faid Bill. And the aforefaid William and Jane in Fact fay, that the aforefaid Samuel hath not paid to the abovenamed Jane the aforefaid eighty Pounds abovementioned in the faid Bill, in and upon the twenty-ninth Day of September, in the fame Bill above specified, which he ought to have paid to her in and upon the fame Day, according to the Form and Effect of the faid Bill, whereby an Action accrued to the fame Jane while fhe was fole, and to the abovenamed William and Jane, after the Marriage celebrated between them, to demand and have of the abovenamed Samuel the aforefaid one hundred and fixty Pounds. Yet the aforcfaid Samuel, although he was oftentimes thereunto required, hath not paid the aforefaid one hundred and fixty Pounds to the abovenamed Jane while the was fole, or to the abovenamed William and Tane, or either of them, after the Marriage celebrated between them; but hath hitherto entirely denied, and full doth deny to pay that to them, to the Damage of them the faid William and Fane of ten Pounds: And thereupon they bring their Suit.

e

rs

n-

10

Ž,

d-

ed ul

he

15% re-

ve-

nds ind

711ed, in

and

London, to wit: Edward R. complains of Jane E. Spinster, in the Custo-Upon a Judgdy of the Marshal of the Marshalsey of ment obtained our our Lord the King, before the King Court of Lonhimself being, of a Plea that she ren don for Part, der to him forty Shillings of good and (Mutuatus) lawful Money of Great Britain, which Borrowing for the owes to him, and unjustly detains, the Remainder. for that, to wit, That whereas the aforesaid Edward on the fourth Day of Cc 2 February,

And Wash

(abladault)

WAY THE CONTRACTOR

. What is to the Control

February, in the fourth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, in the Court of our faid Lord the King, held before Samuel R. Esquire, one of the Sheriffs of the City of London aforesaid, in the Guild-Hall of the same City, in the Parish of Saint Lawrence in the Old Jewry, in the Ward of Cheape, of the same City, according to the Custom of the City aforesaid, from the whole Time of the contrary whereof is not in the Memory of Man, by Judgment of the same Court, hath recovered against the aforesaid Jane E. feven Shillings and eight Pence for his Costs and Charges, by the same Court there allowed, according to an Act of Common Council in fuch Cafe lately made and provided; whereof she is convicted, as by the Record and Process thereof in the same Court of our said Lord the King, before the Sheriff of London aforesaid, in the aforesaid Guild-Hall of the aforesaid City, remaining, is manifest, and may more plainly appear; which faid Judgment yet remains in full Force and Virtue, not reverled, annulled or fatisfied, and the same Edward hath not yet fued out Execution upon the Judgment aforesaid, whereby an Action hath accrued to the same Edward,

V

n

fa

lin

St

D

go

ta

Edward, to demand and have of the aforesaid Jane the aforesaid seven Shillings and eight Pence, Part of the aforefaid forty Shillings. And whereas the aforesaid Jane on the said fourth Day of February, in the fourth Year abovefaid, at London aforefaid, in the Parish and Ward aforesaid, had borrowed of the abovenamed Edward thirty-three Shillings and four Pence, the Remainder of the aforefaid forty Shillings, to be paid to the same Edward when afterwards fhe should be thereunto required; which faid feveral Sums of Money amount in the whole to the aforesaid forty Shillings. Yet the aforefaid Jane, although she was often thereunto required, hath not paid the aforefaid forty Shillings, or any Part thereof, to the same Edward; but hath hitherto entirely denied, and yet doth deny to pay that to him, to the Damage of him the faid Edward of forty Shillings: And thereupon he brings his Suit.

e

e

is

0-

is

rt of

ly

is es

id

177-

is

ip-

ins ed, 30-

ion

by

me rd,

Kent, to wit: Q. H. complains of (14.) D. S. in the Custody — as before For Rent in Arrear upon of a Plea that he render to him Lease Parel. thirteen Pounds and fifteen Shillings of good and lawful Money of Great Britain, which he owes to him, and un-Cc3

n v

aP

a

ectif

(

t

infly detains, for that, to wit, That whereas the same Q. on the twentieth Day of June, in the Year of our Lord one thousand seven hundred and twentynine, at the Parish of Deptford, in the County of Kent aforesaid, had demised, and to Farm let to the abovenamed D. one Messuage, with the Appurtenances fituate lying and being in the Parish of Deptford aforesaid, in the County of Kent aforefaid, to have and to hold to the aforesaid D. and his Assigns, from the Feast-Day of the Nativity of Saint John the Baptist then next ensuing, unto the End and Term of one whole Year from thence next enfuing, and fully to be compleat and ended, and so from Year to Year fo long as both Parties should please, yielding and paying therefore yearly and every Year, that the same D. should have and hold the demised Premisses aforesaid, with the Appurtenances, to the same Q. or his Assigns, the Rent of five Pounds, to be paid at the four most usual Feasts or Times in the Year (to wit) at the Feast of Saint Michael the Archangel, the Birth of our Lord God, the Annunciation of the Bleffed Virgin Mary, and the Nativity of Saint John the Baptist, by even and equal Portions. By Virtue of which faid Demile the same D. afterwards, to wit, h

d

C

).

25

f

0

n

ıt

æ

O

e,

y

es

to

ur ar

lel

rd

ed

nt

al

e-

it,

on

on the Morrow of the aforesaid Feast-Day of the Nativity of Saint John the Baptist next ensuing, after the Time of the making of the Demise aforesaid, entered into the aforesaid demised Premisses, with the Appurtenances, and always from that Time afterwards hitherto was and yet is possessed thereof, (by the good-liking of them the faid Q. and D.) and the aforesaid thirteen Pounds and fifteen Shillings was behind and unpaid, and yet is unpaid to the same Q, for the Rent aforesaid for two Years and three Quarters of a Year, ending at the Feast-Day of the Annunciation of the Bleffed Virgin Mary, in the Year of our Lord one thousand feven hundred and thirty-two, whereby an Action hath accrued to the same Q. to demand and have of the aforesaid D. the aforesaid thirteen Pounds and fifteen Shillings. Yet the aforesaid D, as in the next above to the End.

Kent, to wit: A. B. complains of C. D. in the Custody — (as before) For inventy - Of a Plea that he render to him Guineas lost at twenty-one Pounds of lawful Money of ing to the late this Realm, which he owes to him, Statute. and unjustly detains, for that, to wit, That whereas the aforesaid C. on the fixteenth Day of April, in the fourth Year

f

n

0

b

0

fh

K

of

Po

to

to

lat

th

the

Ge

Br far

in

fide

Cos

the

our Kin

Cainant left at

Play, 'Angeling to the list, Singaet

Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at the Parish of Deptford, in the County of Kent aforefaid, was indebted to the same A. in the aforesaid twenty-one Pounds of lawful Money of this Realm, for twenty Pieces of Gold called Guineas, of lawful Money of this Realm, then being of a greater Value than ten Pounds, to wit, of the Value of the aforefaid twentyone Pounds loft, against the Form of the Statute in fuch Case lately made and provided, at the Parish aforesaid, in the County aforefaid, by him the faid A. with the aforefaid C. in Betting on a certain Foot-Race before that Time, after the first Day of May, in the Year of our Lord one thousand seven hundred and eleven, and by him the faid A. afterwards, to wit, the same Day and Year first abovementioned; to the aforesaid C. paid, by Reason of which said Premisses, and by Force of the Statute in fuch Case lately made and provided, an Action hath accrued to the same A. to demand and have of the aforesaid C. the aforefaid twenty-one Pounds (to wit) the Value of the aforefaid twenty Guineas, as is before related to be loft, and paid by him the faid A. to the aforefaid C. Yet

Yet the aforesaid C. although he was often thereunto required, hath not paid the aforesaid twenty-one Pounds to the same A. but hath hitherto entirely denied, and yet doth deny to pay that to him, to the Damage of him the faid A. of thirty Pounds: And thereupon he brings his Suit.

Middlesex, to wit: 7. S. complains of M. B. in the Custody of the Mar- Upon a Non shal of the Marshalfey of our Lord the Pros. King, before the King himfelf being, of a Plea that he render to him three Pounds and three Shillings of lawful Money of this Realm, which he owes to him, and unjustly detains, for that, to wit, That whereas the aforefaid 7. lately in the Court of our faid Lord the King heretofore, to wit, in the Term of Easter, in the third Year of the Reign of our faid Sovereign Lord George the Second, now King of Great Britain, before the King himself (the fame Court being then at Westminster, in the County of Middlesex) by Consideration of the same Court, had recovered against the aforesaid M. thirty Shillings, which had been adjudged to the same 7. by the aforesaid Court of our faid Lord the now King, before the King himself here at Westminster, according

n

e

d e

n

d

e

S

a

d

I

P

W P

ſa

in

N. fo

th

th

fa of

W

B

as

de

th

T

he

R

Va

cording to the Form of the Statute in fuch Case lately made and provided for his Costs and Charges by him fustained, about his Defence in a certain Plea of Trespass, at the Suit of the aforesaid M. whereof he is convicted. as by the Record and Process thereof remaining in the same Court of our Lord the King, before the King himfelf, is manifest, and may more plainly appear. Which faid Judgment yet remains in full Force, Power and Virtue, not revoked, annulled or fatisfied, and the same 7. hath not yet sued out Execution upon the Judgment aforesaid, whereby an Action hath accrued to the fame 7. to demand and have of the same M. the aforesaid thirty Shillings, being Part of the aforesaid three Pounds and three Shillings. And also whereas the aforesaid M. afterwards, to wit, on the tenth Day of June, in the third Year of the Reign of our faid Sovereign Lord George the Second, now King of Great Britain, at Westminster, in the County of Middlesen aforesaid, had borrowed of the abovenamed 7. thirty-three Shillings, the Remainder of the aforesaid three Pounds and three Shillings, to be paid to the same J. when he should be thereunto required, which faid feveral Sums of Money amount

in

d,

m

1-

be

d,

of

ur

m-

ıly

reue,

ind

xe-

ud,

the

the

ıgs,

nds

eas

on

nird

vo-

NOI

ter,

aid,

7.

1der

arec 7.

red,

oncy

ount

amount in the whole to the aforesaid three Pounds and three Shillings. Yet the aforesaid M. although often required, hath not paid the aforesaid three Pounds and three Shillings, or any Part thereof to the same J. but hath hitherto entirely denied, and yet doth deny to pay that to him, to the Damage of him the faid 7. of five Pounds: And thereupon he brings his Suit odd in warmy of the work of the time

Esex, to wit: B. H. who sues as well in this Behalf for the Poor of the Upon the Sta-Parish of Sheering, in the County afore- for keeping Dogs said, as for himself, complains of W. B, and killing in the Custody of the Marshal of the Hares. Marshalfey of our Lord the King, before the King himself being, of a Plea that he render to the faid Poor, and to the same B. who sues as well for the said Poor, as for himself, five Pounds of lawful Money of Great Britain, which to the faid Poor, and to the fame B. who fues as well for the faid Poor, as for himself, he owes, and unjustly detains, for that, to wit, That whereas. the aforesaid W. not having Lands, Tenements, or any other Estate of Inheritance, in his own Right, or in the Right of his Wife, of the clear yearly Value of one hundred Pounds, for

W

re

fi

ar

fo

hs

do

D

as

of

W

fel

7.

ca

vif

Te

din lat Cu

of

hin

to

Mo

ow tha

faic

the

to

Sep

to of Garning

desping Dogs

for the Term of his Life, nor having a Lease or Leases of ninety and nine Years, or for any longer Term, of the yearly Value of one hundred and fifty Pounds, nor being the Son and Heir apparent of any Esquire, or other Person of higher Degree, nor being the Owner, or Keeper of any Forest, Park, Chase, or Warren, stocked with Deer or Conies for his necessary Use, hath on the twenty-second Day of February, in the fifth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at the Parish of Sheering aforesaid, in the County aforesaid, unlawfully and unjustly had and kept Greyhounds, Setting-Dogs, and other Dogs called Lurchers, and unlawful Engines for the taking, courfing and destroying of Hares and Conies. on the same Day and Year at the Parish of Sheering aforesaid, in the County aforefaid, with the faid Dogs hath unlawfully and unjustly took, run down, killed and destroyed (contrary to the Form of the Statute in fuch Case lately made and provided) several Hares (to wit) five Hares, whereby an Action hath accrued to the abovenamed Poor, and to the same B. who sues as well for the faid Poor, as for himfelf, to demand and have of the abovenamed W. the

g

10

10

y

p-

n

r,

e,

es

n-

th

gn

of

id,

pt

er

ful

nd

nd

he

gs

un

ITY

ral

an red

elf.

ned

the

W. the aforesaid five Pounds. Yet the aforesaid W. although often thereunto required, hath not paid the aforesaid five Pounds to the abovenamed Poor, and to the same B. who sues as well for the said Poor, as for himself, but hath hitherto entirely denied, and yet doth deny to pay that to them, to the Damage of him the said B. who sues as well for the said Poor, as for himself, of twenty Pounds: And thereupon, as well for the Poor aforesaid, as for himself, he brings this Suit.

Suffex, to wit: W. S. complains of 7. S. the Heir of N. S. otherwise lately Upon a Bond called N. S. of — and of F. S. the De- against the visee of the said N.S. of certain Lands visee, pursuant Tenements and Hereditaments, accor- to the Statute ding to the Form of the Statute thereof 3 and 4 W. Chap. lately made and provided, jointly in the 14. Custody of the Marshal of the Marshalley of our Lord the King, before the King himself being, of a Plea that they render to him thirty and fix Pounds of lawful Money of Great Britain, which they owe to him, and unjustly detain, for that, to wit, That whereas the aforefaid N. being the Grandfather of him the faid 7. the Heir, in his Life-time, to wit, on the twenty-ninth Day of September, in the ninth Year of the Reign

The Cleek's

WR

of

ch

al

pa

to

th

pa

th

to hir

the

Reign of our Sovereign Lord George, now King of Great. Britain, at East Grinfted, in the County aforefaid, by his certain Writing Obligatory, fealed with the Scal of him the faid N. in his Life-time, and now shewn here to the Court of our faid Lord the King, the Date whereof is the fame Day and Year, acknowledged himself to be held and firmly bound to the fame W. in the aforesaid thirty and fix Pounds, to be paid to the fame W. when afterwards he should be thereunto required; and for the same Payment well and faithfully to be made the aforefaid N. bound himfelf and his Heirs by the fame Writing. Nevertheless the same N. in his Life-time, or the aforefaid 7. the Heir of him the faid N. and the aforefaid J. the Devisee (to which faid 7. the Devisee, and his Heirs the faid N. by his Last Will in Writing, at East Grinsted aforesaid, in the County aforesaid, in his Life-time, after the twenty-fifth Day of March, in the Year of our Lord one thousand fix hundred and ninety-two, in due manner made, did devise certain Lands, Tenements, and Hereditaments, whereof the fame N. at the Time of his Death was feized in his Demean, as of Fee, and which the faid J. the Devisee, together with

with the Heir of the aforesaid N. by Reason thereof, according to the Form of the Statute aforesaid was, and is chargeable with the Debt aforesaid,) although oftentimes required, have not paid the aforesaid thirty and six Pounds to the same W. neither hath either of them paid it, but they have denied to pay that to him, and the aforesaid J. the Heir, and J. the Devisee yet deny to pay that to him, to the Damage of him the said W. of ten Pounds: And thereupon he brings his Suit.

0

0

d

ie ie id ie

at ty he he mier

he ras nd her ith

FINIS

ne:

TABLE

vinel to color of the

CONTENTS

HE Introduction. Page 1 The Nature of Common Bail. 2 Of Special Bail. Ibidem. Statute 12 Geo. I. abstracted so far as relates to Arreft. 4, 5, 6. Rules thereon in the King's Bench and Common Pleas. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20. Statute 21 James I. evaded. The Abstratt of the Statute 12 Geo. 1. continued. Ibid. A Digression. 22 The Statute aforefaid concluded. 24 The Infamy of Perjury. 25 The Abstract of the Statute 2 Geo. 2. 25, 26 cap. 25. against Perjury,

The

1

I

0

0

Tig.

.7

64

2.45

Ot Th

bi

bi.

high

67.

di

22 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
The Abstract of the Statute for the bet-
ter Regulation of Attornies, 2 Geo. 2.
Page 27, 28, 29, 30, 31, 32, 33, 34,
[35, 36, 37, 38
To take the Oath to the Government,
according to the Statute of 7 and 8
W. 3. C. 24.
The Legislature's Indulgence 39
Of the Court of King's Bench and
Common Pleas, and of their respec- tive Offices and Officers, 40
The Authority of the Court of King's
Bench. ibid.
Officers of the King's Bench. 42
Prothonotary, Secondary, Deputy-Stam-
per, Keeper of the Writs, Clerks of
the Papers, Clerk of the Declara-
tions, Signer of the Writs, and Seal-
ders of the Bills, Clerk of the Rules,
Clerk of the Errors, Clerk of the
Bails, Filacers, Marshal, Ushers,
Criers, and Tipstaves. 42, 43, 44
The Authority of the Court of Common Pleas.
Officers of the Common Pleas. 46
The Keeper of the Writs, three Protho-
notaries, three Secondaries, Clerk of
the Warrants, Clerk of the Effain,
Filacers, Exigenters, Clerk of the
Juries, Chirographer, Clerk of the
King's Silver, Clerk of the Treasury,
Clerk Turi D. d. Speech.
Anghan Finghill

I 2 m. as 6. nd 12, 20. 21 1. id. 22 24 25

2. 26

The

Clerk of the Seal, Clerk of the Out-
lawries, Clerk of the Involuments,
Clerk of the Errors. Page 46, 47, 48,
149,50
Oliver's Ordinance.
Another to subject out or steels used
Confured.
Confirmed and repealed. ibid.
Statute 4 Geo. 2. that the Law shall be in the English Lawrence absence.
be in the English Language abstracted.
No Person appointed to translate. ibid.
The Reason. 56
English not so concise as Latin. ibid
The first Process in Middlesex. ibid.
Of the Terms and their Returns. 57,
[58, 59, 60, 61, 62, 63, 64
Bill of Middlesex treble Sixpenny Stamp.
223 03 10 30 30 10 30 10 10 10 10 10 10 10 10 10 10 10 10 10
The Specimen of writing the Law-Hand
in the Form of a Bill of Middlesex
Note for the Office. 65.
Attorney's Name, &c. to be indorsed.
And so of other Writs. ibid.
This Precept not in the Name of the
King. ibid.
The first Process in other Counties. ibid.
Delays, &c. occasioned by Personal
Service. 66
Sir Edward Turner's Speech. 67
English

A STATE OF CALL P. L. R. E.S. A. A.

TO LOUDER TO THE TO TOTAL AT	
English Names of Writs feem odd.	AND THE PERSON NAMED IN
An Alias Bill of Middlesex.	ibid.
A Pluries Bill of Middlesex. The Form of a Latitat.	ibid.
· 1000 (1) 1000 (1) 1000 (1) 1000 (1) 1000 (1) 1000 (1) 1000 (1) 1000 (1) 1000 (1) 1000 (1) 1000 (1) 1000 (1)	70
English Notice on each Process.	ibid:
An Alias.	ibid.
The Writs where signed and sealed.	
His Grace the Duke of Cleve	land
Sealer of the Writs.	ibid.
King's Bench Writs made by the A	CONTRACTOR STREET, STR
Common Pleas by the Filacer.	ibid.
Instructions for the Filacer.	ibid.
Explained.	74
Capias in the Common Pleas. The Reason for inserting no more.	75
List of the Filacers in the Com	STATES OF THE PARTY OF THE PART
Plane	76
Proceedings by Originals in the K. Bench. List of the Filacers in the King's Be	ings
List of the Filacers in the King's Be	nch.
tight and a not a bone, we will	1DIG:
Four Days given for the Defendan	
Enlarged to eight Days.	-78 ibid
Enlarged to eight Days. Statute 5 Geo. 2. to explain the A	at to
prevent frivolous and vexations	Ar-
rests abstracted. 79, 80	, 81
Affidavit of Service of a Process in King's Bench.	- 81
Another	82
	ffida-

실기가 하면서 가는 아무리를 가는 것이 없는 것이 없는데 하면
Affidavit of Service of a Process in the
Common Pleas. Page 82
Common Pleas. Page 83 Affiled gratis in the King's Bench and
Common Pleas. 84
Where special Bail is required, and also
is to be added in the Writs. 85
One Shilling swearing the Affidavit of a
Debt.
Athornit for Money due on Bond, ibid.
On a Note.
On a Note against the Endorser.
Against the Drawer. 88
On a Bill of Exchange. ibid.
For Goods fold. ibid.
Another.
For a Horse sold.
An Affirmation on a Foreign Bill. 90
For Goods fold, and one Partner was
outlawed before the Action. 91
Common and alfo's, would did 192
Special and also's on a Bond. 93
Another for Goods fold. I bid.
Another on a promissory Note. 94
The Form of Gommon Bail. 95 Special Bail. 96
Special Bail. 900 01 . 5 . 00 96
The Form upon a Cepi Corpus. Ibid.
Upon o Habeas Corpus. ibid.
Rule to put in Bail. 99
Against a glowing approximation of

THE THE THE THE THE

Williakte of this Chile	1165.
By the Stat. 13 Car. 2. you are	to de
clare before the End of the	
Term, or may be nonsuited. I	
Notice to a Defendant of a Deci	
in the King's Bench.	- 08
The same in the Common Pleas.	7 99
By the Stat. 36 E. 3. not to be	preiu-
diced, if the Matter appear	in De-
claration and Writ.	ibid.
The Parts of the Declaration.	100
Insufficient in Form is belped i	200 PECO
Verdict.	ibid.
Verdict. If in Substance 'tis not helped.	ibid.
Matters in Cognizance of the	Court
hid wantenance to	IOI
Things good in the Writ, are so	in the
Declaration.	ibid.
Declaration not amendable.	ibid.
- Amendable.	ibid.
Words insignificant,	ibid.
Bad Original. No Original.	ibid.
No Original.	ibid.
Rule for the Delivery of Declar	ations.
Imprilement.	ibid,
Tree and Mault and beating the	to reproduct the
bidi Of Trespass.	W
The Nature of Trespass.	I marine
ing Nature of Trespass.	103

The Nature	of Tr	espass.	1111 11	103
The Nature How divide	d inta	Alank .	W 1122	1. 102
,bidi •			Arronaus and a	Ser cane

Dd3

Menacing

A De

7.1.81.1.91.1.05

I

13 d.

94 96 d. d:

Ву

A Table of the Contents.
Mendeing.
Affault
Battery Pag. 104, 105, 106,
- Maim [107
Imprisonment.
Land Destruction
Foint Tenants. 107
Goods. ibid.
Diction different betwixt hiving and
dead things. ibid.
Tresposses are done with or without
Pretence of Title, and are Local or
Transitory. 108
Who may sue and be fued. ibid.
Principal and accessary. ibid.
Parson and Churchwardens are a Cor-
poration. 109
THE ALL CHANGES AND SERVICES OF THE SERVICES
In the King's Bench.
A STATE OF THE PARTY OF THE PAR
A Declaration upon an Asault and
Battery.
- Upon an Assault and Battery and
false Imprisonment. 112
- Upon an Assault and beating the
Wife. ibid.
- For lying with Plaintiff's Wife.
The second secon
- For an Assault on the Plaintiff's
Servant. ibid.

A De

A Declaration for breaking the Plaintiff's
Close, and eating up and treading down
his Grass, with a Continuance. P. 114
- For breaking the Plaintiff's Stall
in the Market.
in the Market. For seizing the Plaintiff's Goods
by Vertue of a Warrant upon a (La-
titat) Lay-hid. ibid.
For running the Defendant's Ship
against the Plaintiff's and broat
against the Plaintiff's, and break-
ing the sold appropriate out of 116
For forcibly entering into the
Plaintiff's House. 117
- For taking and leading away the
ing it. — For forcibly entering into the Plaintiff's House. — For taking and leading away the Plaintiff's Gelding. 118
Upon an Assault, and breaking
the Plaintiff's Windows. ibid.
For breaking the Plaintiff's Close,
and digging up the Earth. 119 — In another manner. ibid.
Then are Mart and breaking
Upon an Alfault, and breaking
the Plaintiff's Close, treading down
bis Grass, and carrying away his
Corn. 119
- Upon an Assault upon an Attor-
ney, and for breaking his dwelling-
House 120
For breaking the Plaintiffs Gar-
den, subverting the Earth, and scratch-
ing the Gravel Walks. 121
For entering the Plaintiff's Fish-
ery and taking his Fish. 122
Dd4 ADe-
pu4 · Ape

A Declaration for breaking a Pound,
and taking away a Cow without pay-
ing the Damage. Page 123
By the Minister for breaking the
Church.
- And also his Dwelling-house, and
for taking away an Elm-Tree. ibid.
An Infant by his next Friend for
an Allault. ibid,

In the Common Pleas,

TO A. T. CO TINE

A Declaration upon an Assault. 127
- Upon an Assault and Imprisonment.
The state of the s
- In another manner. 129
- Upon an Assault, and breaking
- Upon an Assault, and breaking a Violin. ibid.
- For taking and leading away the
Plaintiff's Dog. 130
- For breaking and spoiling the
Plaintiff's Hop-Poles. ibid.
— For breaking a Pound, and taking
away a Mare, without paying the
Damage that she was impounded for.
Secretary and Suryeque not pure tous.
For the like in another manner
for a Horse.
- For impounding the Plaintiff's
Cattle
For impounding the Plaintiff's Gattle. 133
call and anisate A De-

do 1- 30 5 dd. 1.

A Table of the Contents.
A Declaration for resouring a Horse which the Plaintiff was going to
Pound. Page 134 For treading down and feeding in
the Plaintiff's Closes, and taking away a Ram.
For retaining the Plaintiff's Wife.
The five in streeth at Oto Ejectment.
The Nature of Ejectments. The Method of proceeding is to deliver the Declaration to the Tenant. 138
How to proceed where there is no libid.
Abstract Statute 4th George Second. ibid. 139, 140, 141
The Tenant may appear by his Attorney.
Declaration in Ejectment in the King's Bench. ibid.
Notice to the Tenant.
On a double Demise by Original in the King's Bench.
The Plea with the Issue and Award of the Venire. 148
the same to the same of the sa

In the Common Pleas.

The Declaration.		148
Notice to the Tenant.		150
Affidavit of serving the	Tenant.	151
I I	Aff	davit

A lable of the Contents	•
Affidavit of serving the Declaration where there is no Tenant, pursue to the late Act. Page These Affidavits serve both Courts The Rules by Consent much the service of the	152 153 ame
The Form of the Rule by Consent in	154
King's Bench.	
King's Bench. The like in the Common Pleas.	155
If no Appearance, Judgment passe	
gainst the casual Ejector.	157
Ejectment may be tried more than e	DESCRIPTION OF THE PARTY OF THE
	158
How to put off a Trial.	bid,
abidi San Anna Anna San San San San San San San San San	
Of Trover.	
The Nature of Troper.	159
Farther explained.	160

The Nature of Trover.	159
Farther explained.	160
A Declaration in Trover in t	be King's
Bench.	161
By an Executrix, where th	e Goods
came to the Defendant's H	
the Testator's Life-time.	
By an Executrix, where th	\$1000 DESCRIPTION (\$1000 DESCRIPTION FOR \$1000 DESCRIPTION FOR \$10
came to the Defendant's Han	eds after
the Death of the Testator.	

Tenant.

In

TPAH DUTO RP

1 2 2

In the Common Pleas,

28

e,

10

5

6

1-

e,

0

1

n iz bi er is

T/pora

Rule to admit an Infant to profecute by
his next Friend. Page 168
A Declaration in Trover for an Ox,
brought by an Infant by his next
Friend. ibid.
Trover for broad Cloth. 169
By an Administrator during the Minority of an Infant for Goods which
came to the Defendant's Hands after
the Death of the Intestate. 171

Trespass on the Case,

The Nature of the Action.	3.6 7.65
	175
Promises how grounded.	ibid.
A simple Contract.	ibid.
How much he deserved, or	the Goods
were worth.	
Upon a stated Account.	ibid
Upon Confideration executory	
Time and Place.	A STATE OF THE PARTY OF THE PAR
Consideration Executory can	
the of Freeham's applicable the	177
Reciprocal Promises.	ibid.
	ibid.
Promises implied.	
So much as he defer	oed, or the
Goods were worth.	178
cos 1 205	Promife

Desmise Agginst an Inn bechen Su
Promise, Against an Inn-keeper for
Goods loft. I noming Page 178 — A Tradesman. ibid. — A Taylor. and the or ibid.
A Tracker All A Shid
An Artificer. ibid.
Several Counts in one Declaration. ibid.
Executors and Administrators. 179
John 2 2000 2007 3 4750 2744 200 14. 1/9
In the King's Bench.
A constant of the standard of
A Declaration for Goods fold and de-
livered. ibid. For Money lent, laid out and expended
and had and received for the Plain-
For Horse-Meat. 183
For Money paid to a third Person, 188
As well for Work as Materials found.
281 mple Contract. Secretary ibid.
Upon a Promissory Note payable on De-
mand
Upon a Promissory Note against one of
the Indorsors (193)
Upon a Bill of Exchange where the Bill
derileration Executors bestquasa kans
Upon a Bill of Exchange against the
Administratrix of the Drawer, the
Bill not being accepted. 201
Upon an Inland Bill of Exchange a-
gainst the Drawer, the Bill not be-
ing occepted. 206
Upon

or 8 d. d. d. d. 9

For riding an hired Mare so hard that she died. For enticing away and detaining the Plaintiff's Apprentice. Plaintiff's Apprentice. 214 For the Use of the Plaintiff's House. 216 For the Wages of an Apprentice for Work on Board a Ship. 218 For Seamen's Wages. 220 For Meat, Drink, Washing and Lodging. 222 For Servant's Wages against an Administratrix. 224 For Fees of a Clerk in Chancery by his Administratrix. 227 For Goods sold and delivered, against Executors. 232 For Work done, against Executors. 232 For Work done, against Executors. 233 By an Administratrix against an Executor work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the Testator. ibid.
For enticing away and detaining the Plaintiff's Apprentice. Plaintiff's Apprentice. 214 For the Use of the Plaintiff's House. 216 For the Wages of an Apprentice for Work on Board a Ship. 218 For Seamen's Wages. 220 For Meat, Drink, Washing and Lodging. 222 For Servant's Wages against an Administratrix. 224 For Fees of a Clerk in Chancery by his Administratrix. 227 For Goods sold and delivered, against Executors. 232 For Work done, against Executors. 233 For Work done, against Executors. 237 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
For enticing away and detaining the Plaintiff's Apprentice. Plaintiff's Apprentice. 214 For the Use of the Plaintiff's House. 216 For the Wages of an Apprentice for Work on Board a Ship. 218 For Seamen's Wages. 220 For Meat, Drink, Washing and Lodging. 222 For Servant's Wages against an Administratrix. 224 For Fees of a Clerk in Chancery by his Administratrix. 227 For Goods sold and delivered, against Executors. 232 For Work done, against Executors. 233 For Work done, against Executors. 237 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
For the Use of the Plaintiff's House. 216 For the Wages of an Apprentice for Work on Board a Ship. 218 For Seamen's Wages. 220 For Meat, Drink, Washing and Lodging. 222 For Servant's Wages against an Administratrix. 224 For Fees of a Clerk in Chancery by his Administratrix. 227 For Goods sold and delivered, against Executors. 232 For Work done, against Executors. 233 For Work done, against Executors. 237 By an Administratrix against an Executor sold and Ministratrix during the Minority of an Infant. 243 For Money received for the Use of the
For the Use of the Plaintiff's House. 216 For the Wages of an Apprentice for Work on Board a Ship. 218 For Seamen's Wages. 220 For Meat, Drink, Washing and Lodging. 222 For Servant's Wages against an Administratrix. 224 For Fees of a Clerk in Chancery by his Administratrix. 227 For Goods sold and delivered, against Executors. 232 For Work done, against Executors. 233 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
For the Wages of an Apprentice for Work on Board a Ship. For Seamen's Wages. For Meat, Drink, Washing and Lodging. For Servant's Wages against an Administratrix. For Fees of a Clerk in Chancery by his Administratrix. For Goods sold and delivered, against Executors. For Work done, against Executors. For Work done, against Executors. By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
For the Wages of an Apprentice for Work on Board a Ship. For Seamen's Wages. For Meat, Drink, Washing and Lodging. For Servant's Wages against an Administratrix. For Fees of a Clerk in Chancery by his Administratrix. For Goods sold and delivered, against Executors. For Work done, against Executors. For Work done, against Executors. By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
Work on Board a Ship. For Seamen's Wages. For Meat, Drink, Washing and Lodging. For Servant's Wages against an Administratrix. For Fees of a Clerk in Chancery by his Administratrix. 227 For Goods sold and delivered, against Executors. 232 For Work done, against Executors. 233 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
For Meat, Drink, Washing and Lodging. For Servant's Wages against an Administratrix. For Fees of a Clerk in Chancery by his Administratrix. 227 For Goods sold and delivered, against Executors. For Work done, against Executors. 232 For Work done, against Executors. 235 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
For Meat, Drink, Washing and Lodging. For Servant's Wages against an Administratrix. For Fees of a Clerk in Chancery by his Administratrix. 227 For Goods sold and delivered, against Executors. For Work done, against Executors. 232 For Work done, against Executors. 235 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
Executors. For Work done, against Executors. 235 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
Executors. For Work done, against Executors. 235 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
Executors. For Work done, against Executors. 235 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
Executors. For Work done, against Executors. 235 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
Executors. For Work done, against Executors. 235 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
Executors. For Work done, against Executors. 235 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
By an Administratrix against an Executors. 235 By an Administratrix against an Executors for Work done. 237 By the Administrators of an Administratrix during the Minority of an Infant. 243 For Money received for the Use of the
By an Administratrix against an Exe- cutrix for Work done. 237 By the Administrators of an Admini- stratrix during the Minority of an Infant. 243 For Money received for the Use of the
By the Administrators of an Admini- stratrix during the Minority of an Infant. 243 For Money received for the Use of the
By the Administrators of an Admini- stratrix during the Minority of an Infant. 243 For Money received for the Use of the
Infant. 243 For Money received for the Use of the
Infant. 243 For Money received for the Use of the
For Money received for the Use of the
Toffaton 16:1
1 GIVATOT. IDIA.
For not paying a Sum of Money accord-
ing to Promise, upon the Plaintist's discharging

discharging some Goods he	had taken
in Execution. Transis and	
For not satisfying a Debt a	
Promise, upon the Plais	
charging one he had arreste	d. 255
For building a Brewhouse near	the Plain
tiff's House, to his Damag	8- 259
For giving the Plaintiff Spi	anish Flies
mixed with Drink.	263
wixed with Drink. Upon a Promise of Marriage	263
For the Freight of Goods	transported
from Archangel to London	269
For not delivering Goods at	cording to
Promise, that were carried	
Royal to London, although	
tiff was ready to pay the	
for the carrying thereof, to	
the Primage and Average.	
Upon a Policy of Allurance.	
The spirit of principle of the spirit	4000 274
Upon a Policy of Assurance	
in a certain Ship.	182

I

F

F

B

B

In the Common Pleas.

For Goods, that is, according to the Common Pleas Form, for Wares and Merchandizes fold and delivered. 284
For Monies received to the Use of the Plaintiff, and for Money borrowed and paid for the Defendant's Use, with

with an infimul computatiet (a stated
Account.) Page 287
Account.) Page 287 In Consideration the Plaintiff would not
sue Defendant for a Trespass, he pro-
mised to pay twelve Guineas. 288
Upon a Promissory Note endorsed to the
Plaintiff, and for Money laid out
and expended. 291
For Goods sold and delivered, and for
Work done and performed, 294
For Money lent by the Wife while sole,
and sued for after Marriage. 296
For not cleanfing a Ditch, by which
Plaintiff's Ground was drowned. 300
For departing from Plaintiff's Service
without Warning. For Disturbance of the Plaintiff in his
Seat in the Church.
By an Administratrix against an Attor-
ney, after he was forejudged for suing
out a Capias Satisfaciendum, without
reviving the Judgment by Scire Fa-
Clas.
By an Attorney of the Court of Common
Pleas for Fees. By a Prothonotary's Clerk against the
By a Prothonotary's Clerk against the
Defendant, who promised to pay
Plaintiff if he would sollicit for
W. W. 317
Against the Sheriffs of London for an
Escape upon Mesne Process. 320
Against

8 00 5 2 9 3 3 d 9 00 to the bil p. 4d31

he nd 84 he led fe, ith

Against an Innholder for losing a Pair
7. Confider ation the Plaintiff world not
-ord ad Actions of Cale for Words.
weed to pay twelve Guincas. * 288
Stander of Great or Ordinary Men,
tends to diffrace the Person, or Title
of Lands, and endangers Life, Live-
Sandal of Noblement and Laborate
Scandal of Noblemen may be brought in
the King and Party's Name, whe-
data for chanfing a Ditch, by which
What Words are actionable, 11,326, 327
Whether to aver particular Damage or
sonot gantwin W monting 28
The Sense of the Words beeded ibid,
How todr aw the Declarations various
to Ways. I was a winner minber on 329
A Declaration in an Action of Scanda-
lum Magnatum, for Words spoke
against a Bishop. 1bid.
For Slandering a Person in the Way of his Trade, to wit, He doth not un-
derstand his Business.
For Words, You are a Rogue, and I
will prove you a Rogue. 338
You keep a Bawdy-House. 341
You stole Bullocks Fat and Kidnies.
कार निर्म अधि और महि भी दिल्ला निर्म कार
For maliciously Inditing the Plaintiff

Dearns

1

101

at the General Quarter-Sessions for Felony.

Page 347
The like as accessary to Felony.

For Words spoken of an Apothecary, You poisoned L. K.'s Child.

Special Declarations in the King's Bench are easily turned into the Common Pleas Form.

358
In what Actions to say the Defendant was summoned, or attached.

Of Debt.

The Nature of Debt. 360 How to declare upon a Bond dated at a Place beyond Sea. ibid. A Deed pleaded must be shewn, and a Copy delivered, if demanded. And in the Common Pleas you add the Condition. ibid. Words to be used in the several Actions. Debt must be brought by the Creditor himself, or by his Executors or Administrators, or by the Administrators during an Executor's Nonage, or by the surviving Executor, or by the Executor of an Executor; or 363 By the Administrator of the Goods unadministred; by an Executor of a Bishop; by the Successor of a Body Politick. 364 E e. Against

1-

I

8

I

es.

14 if

at

Against whom the Action may be brought. Page 364, 365
Where he owes, and detains, and where he detains only.
Actions under forty Shillings are beneath the Dignity of the Courts of West-
minster-Hall. A Declaration in Debt on a Mutuatus (Rossociata) commonly aled to confess
(Borrowing) commonly used to confess a Judgment upon a Warrant of At-
Upon a Bond. 370
Given to the Plaintiff's Wife, while fole, and sued after Marriage. 371
- Against an Heir. By an Executor against an Heir.
- By an Executor. 374
By an Administrator. 377 Against an Administrator. 379
On a Penal Bill. 381
On a Penal Bill to be paid at several times.
Upon a Penal Bill to the Wife, while she was sole, and fued after Marriage.
Upon a Judgment obtained in the She-
riff's Court of London, for Part, and upon a (Mutuatus) Borrowing, for
the Remainder. 387

For Rent in Arrear upon a Lease Parol.

Page 389

For twenty Guineas lest at Play (according to the late Statute)

Upon a Non Pros for Part, and a Borrowing for the Remainder.

Upon the Statute of Gaming, for keeping Dogs, and killing Hares, not being Qualified.

Upon a Bond against the Heir and the Devise jointly, pursuant to the Statute 3 and 4 W. and M. C. 14, 397

The control factors and truly alighremains the compact Contributed at Marconserve of the Francisco Contributed at the contions to strongs in size Contributed (their

of the last of Potings of Account ead.

Commonster Account great Tours of the State
pleasures from to make up alues and

Record to carriethe the the the

without Trusts of Pollegs of Front

tions, and of other Special Wills and

Process with the Present of Alline

ledgine Satisfiedion on Record, and en-

rolling of Deads a characteristics.

4 5

19

0

al 33

le

re.

85

10-

nd for 87 For

4. E. F. M.

ERRATA

P Age 5. Line 19. dele the Word Not. In the Margin, p. 78. for appeal, read appear; in the Margin, p. 162. for Lands, r. Hands; p. 232. l. 15, for forefaid, r. aforefaid; and in the last Line of the same Page, for in, r. on; p. 284. dele the Words, In the Common Pleas, and insert them before the Term; in the Margin, p. 326. for Woods, r. Words.

Advertisement.

IN the Prefs, and speedily will be (correctly Printed and) Published, Volume the Second. Containing a Continuation of the Precedents of Declarations, beginning in the Common Pleas; of Debt, of Detinue, of Account, and Covenants: As also, great Variety of Special Pleas, Replications, and other Pleadings; how to make up Issues and Records, and to enter the Issues on the Rolls; to enter Judgments with and without Trials; of Posteas, of Executions, and of other Special Writs and Process; with the Manner of acknowledging Satisfaction on Record, and enrolling of Deeds; cum multis aliis,

W

W

V

ar

ta

FINIS.

BOOKS Printed for W. Meadows, at the Angel in Cornhill.

Cases, and Resolutions of Cases, adjudged in the Court of King's Bench, concerning Settlements and Removals, from the first Year of King George I. to the present Reign. Most of them adjudged in the Time when Lord Parker sat Chief Justice there. The Third Edition, corrected and amended, with Additions and an Appendix, being a Collection of the like Cases, adjudged when Sir John Holt, Knt. was Chief Justice. To which is added an Abstract of the Statutes concerning Provision for the Poor.

f

T

d

e

d

1-

nd

N-

n-

The Law of Tithes: Shewing their Nature, Kinds, Properties and Incidents, by whom, to whom, when, and in what manner payable; how, and in what Courts to be fued for and recovered; what Things, Lands or Perfons are charged with, or exempted therefrom, with the Nature, Incidents and Effects of Customs, Prescriptions, real Compositions, Modus Decimandi, Libels, Suggestions, Prohibitions, Consultations, Customs of London, Go. wherein

BOOKS Printed for W. Meadows

wherein all the Statutes and adjudged Cases relative to the Subject are introduced and considered. The Second Edition corrected. By W. Bohun of the Middle Temple, Esq.

A Tithing Table: Shewing (by way of Analysis) of what Things Tithes are, or are not due, either by Common Law, Custom, or Prescription. By the same Author. Price 11.

ł

a

Ħ

R

ai

P

E

m

Cia

cu

nie

M

ho

age

tion

Ex

of ·

nui

Me

Pri

The Universal Officer of Justice. Containing the general Power and Authority by Law, of the feveral Officers and Ministers following, viz. Of Justices of the Peace, Clerks of the Peace, of Cuffas Rotulorum, of Commissioners of Hackney Coaches, of Hawkers and Pedlars, - of the Wine Licence, Gc. of Mayors and Bailiffs of Towns, of Clerks of Markets and Toll-takers, of Sheriffs of Counties, of Under-Sheriffs and their Bailiffs, &c. of Coroners, of Constables, &c. of Churchwardens and Sides-Men, of Vestry-Men, of Overseers of the Poor, and Surveyors of the Highway. The whole being collected from all the Books of our Common and Statute Laws written upon the Subjects and rendered generally nieful to all Sorts of People.

The Negociator's Magazine of Monnies and Exchanges. In Three Parts.

Part

eforon w

at the Angel in Combill.

part I. Contains Advice and Instructions. relating to Bills of Exchange, the Monies of one Country compared with another; the Way to know what one Country gets of another at any Time by the Exchange; as also, an Account of the English Gold and Silver Coms, the Weights and Fineness, and the several Alterations they have undergone for near 500 Years paft, with their prefent Standards and Weights at this Time. Part II. Shews the real and imaginary Monies, the current Prices of the Exchanges; and the Method to calculate them for most Places in Europe, with the Diflinctions of Bank and current Money, and the Ways of catting ap the Agio's, 80c. Part III. Contains Arbitrations of the Exchanges, and that Universal Rule made use of by Merchants and Negociators in all their Reductions and Calculations, both in the Exchanges of Monies, and Reduction of Weights and Measures of different Countries; as also, how Exchange is reckoned; of Brokerage and Provision, with Ufeful Observations upon the Prices or Courses of the Exchange. By Richard Hayes, Author of the New Method for valuing of Annuities upon Lives, &c. and Teacher of Merchants Accounts, at the Corner of Prince's Street, facing Stocks Market. The

ir

a-

25-

of

h-

om

ind

as,

Mo

rts.

Part

51

BOOKS printed for W. Meadows, &c.

The Third Edition. The whole being entirely new wrote, and much altered with large Additions. By the fame

Author.

Interest at one View calculated to a Farthing, at 3, 4, 5, 6, 7, and 8 per Cem. from 10001. to 11. for one Day to 96 Days; and for 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 Months. With Rules and Examples to cast up Interest at any other Rates by the faid Table. To which is added, a Table for the more speedy casting up of Salaries and Wages, from one Million to one Pound per Year: Besides many other Tables of great Use in receiving and paying of Monies. The whole being calculated, examined, and corrected, and afterwards re-examined and corrected from the Press. By the fame Author.

Dr. Allen's Synopsis Medicine: or, a Brief and General Collection of the whole Practice of Physick. Containing the Opinions and Judgments of the most celebrated Authors, concerning Difeates, their Causes, and Remedies: With most Cases in Surgery and Midwifery. To which are added Observations, very rare and uncommon: And a curious Treatile on all forts of Poisons. In two Parts. Translated from the last Edition, which is enlarged one third Part. By a Phy-

sician.